



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART VIII

PRISON SERVICES AND THE PRISON SERVICE

CHAPTER II

COTLAND

Contracted out prisons

106 Contracting out of prisons

- (1) The Secretary of State may enter into a contract with another person for the provision or running (or the provision and running) by him, or (if the contract so provides) for the running by sub-contractors of his, of any prison or part of a prison in Scotland.
- (2) While a contract under this section for the running of a prison or part of a prison is in force—
 - (a) the prison or part shall be run subject to and in accordance with—
 - (i) sections 107 and 108 below; and
 - (ii) the 1989 Act and prison rules and directions made under or by virtue of that Act (all as modified by section 110 below); and
 - (b) in the case of a part, that part and the remaining part shall each be treated for the purposes of sections 107 to 112 below as if they were separate prisons.
- (3) Where the Secretary of State grants a lease for the purpose of any contract under this section, none of the following enactments shall apply to it—
 - (a) sections 4 to 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (irritancy clauses); and

Status: This is the original version (as it was originally enacted).

(b) the Agricultural Holdings (Scotland) Act 1991.

In this subsection “lease” includes a sub-lease.

(4) In this Chapter—

“contracted out prison” means a prison or part of a prison for the running of which a contract under this section is for the time being in force;

“the contractor”, in relation to a contracted out prison, means the person who has contracted with the Secretary of State for the running of it; and

“sub-contractor”, in relation to a contracted out prison, means a person who has contracted with the contractor for the running of it or any part of it.