



Prisons (Scotland) Act 1877

1877 CHAPTER 53

PART II

SUPPLEMENTAL PROVISIONS

As to Obligation to maintain Prisons

21 Power to prison authority to erect new prison

Where any prison authority has, at the passing of this Act, a prison or prisons containing cell accommodation, one half of which is not satisfactory to the Secretary of State, such prison authority may build a new prison or prisons containing adequate cell accommodation in terms of this Act, in such situation or situations and in accordance with such plans as may be approved-of by the Secretary of State; and upon such new prison or prisons being completed to the satisfaction of the Secretary of State within such time or extended time as he may fix, the same shall pass over to and vest in him as a prison or prisons completed at the commencement of this Act; or otherwise such authority may agree with the Secretary of State, with the consent of the Treasury, to make payment of a sum or sums of money in lieu of building such new prison or prisons.

For the purposes of building such new prison or prisons, and of acquiring land therefor, and of paying the cost thereof, or of making payment of a sum or sums of money as herein-before provided, the provisions of " The Prisons (Scotland) Administration Act, 1860," and of the Act of the session of the twenty-eighth and twenty-ninth years of Her present Majesty, chapter eighty-four, relating to the acquiring of lands, the building of prisons, and the imposing, levying, collecting, and recovery of building assessments, shall be applicable thereto, and the prison authority may for said purposes borrow money, and assign such building assessments in security thereof.

Upon the new prison or prisons vesting in the Secretary of State under the provisions of this section, or upon payment of a sum or sums of money as herein-before provided, the existing prison or prisons and land and premises appertaining thereto shall by virtue of this Act be and the same are hereby reinvested in and transferred to the prison

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authority of the county within which the same are situated, and be sold and disposed of by such authority by public

If the price received shall, after deducting the expenses of and incident 'to such sale, be insufficient to meet the costs of and incident to the erection of the new prison or prisons, including therein any moneys borrowed for the purpose, the deficit shall be allocated and recovered in the same way as any sum payable by a prison authority in respect of inadequate cell accommodation is by this Act provided to be allocated and recovered, and the powers of borrowing and advancing by way of loan by this Act conferred on the commissioners of supply of a county, the magistrates of a burgh, and the Public Works Loan Commissioners respectively, for the said purposes, shall apply to such deficit. If there be an overplus such overplus shall be disposed of in like manner as is herein-after provided in regard to any balance due to any prison authority in respect of building assessments or assessments for current expenses.

The prison authority and all other authorities, and their clerks, treasurers, and other officers, shall continue to exercise the powers, duties, and functions conferred on them under any statute so far as necessary for the purposes of this section, except where by this section it is otherwise specially provided.

The members of the prison authority who are in office at the commencement of this Act, and the survivors and survivor of them, shall, for the purposes of this section, continue without re-election to be the prison authority, and there shall be no election of members or supplying of vacancies after the commencement of this Act.