



Prisons (Scotland) Act 1877

1877 CHAPTER 53

PART II

SUPPLEMENTAL PROVISIONS

Definitions

71 Definitions of other terms used in this Act

In the construction of this Act, unless there is something inconsistent in the context,—

" County " shall not include a county of a city :

For the purposes of this Act, Orkney and Zetland shall be taken to be separate counties:

For the purposes of this Act the northern prison district and the southern prison district of the county of Lanark, as denned by the " Prisons' (Scotland) Administration Acts (Lanarkshire) Amendment Act, 1868," shall be taken to be separate counties ; and the duties, rights, and obligations arising under this Act shall, in the said districts, exist and be discharged, as nearly as may be, in conformity with the provisions of the last-mentioned Act; and if any question shall arise in regard thereto, it shall be determined by the Secretary of State; and any order under his hand shall have the same effect as if it were contained in this Act: Provided always, that after the commencement of this Act no district prison board shall be elected for either prison district of the said county :

" Burgh " shall include and apply to the cities, burghs, and towns which are royal burghs, or which send or contribute as burghs to send a member to Parliament:

For the purposes of this Act the boundaries of a burgh shall be the boundaries thereof at the passing of this Act for prison purposes, under the provisions of the Prisons (Scotland) Administration Act, 1860 :

" Magistrates " shall include the magistrates and town councils of burghs:

" Sheriff " shall include sheriff substitute :

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

" Prison authority " shall mean a county prison board appointed in terms of the Prisons (Scotland) Administration Act, 1860:

" Prison " shall include all legal prisons in Scotland, and in respect to those existing at the commencement of this Act, whether the same have been administered by the Managers appointed in terms of- the Prisons (Scotland) Administration Act, 1860, or by county prison boards appointed under that Act, but shall not include military prisons, or, except in so far as expressly provided, police cells or other places of detention: Provided always, that it shall include any land or building bought or contracted to be bought before the commencement of this Act by a prison authority for the purpose of enlarging or altering any prison, or adding to the appurtenances of any prison, subject to this proviso, that if the Secretary of State is of opinion that any portion of the lands so bought or contracted to be bought, whether included or not within the walls of the prison, was not at the time of the passing of this Act necessary for the then subsisting purposes of such prison, he shall either direct that such portion shall be re-conveyed to the prison authority, or retain such portion, or any part of such portion, on payment out of moneys provided by Parliament of such sum as may be agreed upon, or, in the event of difference, may be determined by arbitration in manner provided by this Act, on the transfer of any such prison to him, and the vesting thereof in him as by this Act provided:

" Ordinary prisons " shall include all legal prisons under this Act other than the general prison at Perth or any prison which may be hereafter declared by Her Majesty in Council to be a general prison:

" Civil prisoner " shall include all persons imprisoned for civil debts due to subjects; prisoners for debts or taxes due to the Crown, not being fines or penalties inflicted on conviction of offences; prisoners on meditatione fugse warrants granted" at the instance of creditors for performance of civil obligations; prisoners ad factum praestandum; prisoners under the Employers and Workmen Act, 1875 ; and prisoners until they find caution under writs of lawburrows :

" Criminal prisoner " shall include all prisoners who are not civil prisoners:

" Valuation " shall mean the total annual value of the lands and heritages within a comity or burgh as appearing from the valuation roll thereof for the time being in force :

" Governor " shall mean the chief male officer of a prison :

" Matron " shall mean the chief female officer of a prison.