



Prisons (Scotland) Act 1989

CHAPTER 45

PRISONS (SCOTLAND) ACT 1989

Central administration

- 1 General control over prisons in Scotland.
- 2 Central administration
- 3 General superintendence of prisons.
- 3A Medical officers for prisons
- 4 General duties in relation to prisons.
- 5 Report to Parliament.
- 6 Annual return of punishments.
- 6A Purpose of inspection and monitoring of prisons
- 7 Appointment and functions of Her Majesty's Chief Inspector of Prisons for Scotland.
- 7A Appointment of prison monitoring co-ordinators
- 7B The functions of prison monitoring co-ordinators
- 7C Appointment of independent prison monitors
- 7D The functions of independent prison monitors
- 7E Duty of the governor to assist with inspection and monitoring
- 7F Prison monitoring advisory group
- 7G SPT visits
- 8 Visiting committees.
- 9 Appointment of prison ministers.

Confinement and treatment of prisoners

- 10 Place of confinement of prisoners.
- 11 Removal of prisoners for judicial and other purposes.
- 12 Photographing and measuring of prisoners.
- 13 Legal custody of prisoner.
- 14 Legalised police cells.

Changes to legislation: Prisons (Scotland) Act 1989 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 15 Right of sheriff or justice to visit prison.

Discharge of prisoners

- 16 Discharge of prisoners.
17 Allowances to prisoner on discharge.
18 Constitution and functions of Parole Board and local review committees.

Detention and transfer of young offenders

- 19 Remand centres and young offenders institutions.
20 Temporary detention of persons liable to detention in young offenders institution or remand centre.
20A Transfer of young offenders to prison or remand centre.
21 Transfer to prison of persons over 21, and maximum age for detention in young offenders institution.

Release on licence, etc.

- 22 Release on licence,
22A Suspension of licence conditions
23 Release on licence,
24 Release on licence,
25 Release on licence,
26 Release on licence,
27 Release on licence,
28 Release on licence,
29 Release on licence,

Supervision after release

- 30 Supervision of certain prisoners after release.
31 Supervision of children after release.
32 Supervision of persons released from young offenders institution.

Remaining unlawfully at large

- 32A Offence where unlawfully at large
32B Certification of being unlawfully at large
32C Meaning of remaining unlawfully at large
32D Definition of associated expressions

Miscellaneous

- 33 Miscellaneous
33A Power of governor to delegate functions.
34 Notification of and inquiry into death of prisoner.
35 Return of warrants for or sentences of imprisonment.
36 Legal estate in prison.
37 Discontinuance of prison.
38 Acquisition of land for prisons.
39 Rules for the management of prisons and other institutions.
40 Arrest of and rules for absent prisoners
40A Warrants for arrest of escaped prisoners.

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- 40B Temporary detention of person being returned to prison in England and Wales etc.
- 41 Unlawful introduction of tobacco, etc., into prison.
- 41A Powers of search by authorised employees.
- 41B Testing prisoners for drugs.
- 41C Testing of prisoners for alcohol.
- 41D Unlawful disclosure of information by medical officer.
- 41ZA Further provision for communication devices
- 41ZB Exceptions as to communication devices
- 42 Exercise of power to make rules, etc.
- 43 Interpretation.
- 44 Expenses.
- 45 Amendments and repeals.
- 46 Short title, commencement and extent.

SCHEDULES

SCHEDULE 1 —

The Parole Board

- 1 The Parole Board shall include among its members—
- 2 A person appointed to be a member of the Parole...
- 3 There shall be paid to the members of the Board...
- 4 The expenses of the Board under the last foregoing paragraph...
- 5 The Board shall as soon as practicable after the end...

Local review committees

- 6 The Secretary of State may out of moneys provided by...

SCHEDULE 2 — Amendment of enactments

Children and Young Persons (Scotland) Act 1937

- 1
- 2 In section 87(1) and (3) of that Act, after the...

Army Act 1955

- 3

Air Force Act 1955

- 4

Naval Discipline Act 1957

- 5
- 6 In section 88 of that Act, in subsection (3)(c), for...

Criminal Justice Act 1961

- 7 In section 30(1)(b) of the Criminal Justice Act 1961, for...

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Criminal Justice (Scotland) Act 1963

8

Criminal Justice Act 1967

9 In section 69(2) of the Criminal Justice Act 1967, for...

Courts-Martial (Appeals) Act 1968

10 In section 52 of the Courts-Martial (Appeals) Act 1968, for...

Criminal Procedure (Scotland) Act 1975

11 In section 205A(1) of the Criminal Procedure (Scotland) Act 1975,...

12 For section 206(1) of that Act, there shall be substituted...

13

14

15

16 In section 462(1) of that Act, for the words “Prisons...

Law Reform (Miscellaneous Provisions) (Scotland) Act 1980

17

Contempt of Court Act 1981

18

Mental Health (Scotland) Act 1984

19 In section 74(8) of the Mental Health (Scotland) Act 1984,...

SCHEDULE 3 — Repeals

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Changes and effects yet to be applied to :

- s. 32A(1)(a) word inserted by [2023 asp 4 s. 9\(13\)](#)
- s. 39(7)s. 39(7A)(7B) repealed by [2007 asp 17 sch. 5](#)