



Criminal Justice (Scotland) Act 2003

2003 asp 7

PART 4

PRISONERS ETC.

Custody and temporary detention

24 Legal custody

- (1) In section 13 of the 1989 Act (legal custody of prisoners)—
 - (a) for the words “A person shall be deemed to be” there is substituted “Without prejudice to section 295 of the Criminal Procedure (Scotland) Act 1995 (c. 46) (legal custody of persons generally), a prisoner is”; and
 - (b) in paragraph (b), at the end there is added “, a constable (“constable” having the same meaning as it has, by virtue of paragraph 17(1) and (2) of Schedule 1 to the Crime (Sentences) Act 1997 (c. 43), in section 40(1) of this Act) or a police custody and security officer”.
- (2) In section 295 of the 1995 Act (legal custody of persons generally)—
 - (a) at the beginning there is inserted “Without prejudice to section 13 of the Prisons (Scotland) Act 1989 (c. 45) (legal custody of prisoners),”;
 - (b) for the word “shall” there is substituted “is”; and
 - (c) the words “be deemed to be” are repealed.