



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 5

### CRIMINAL JUSTICE

#### *Medical services in prisons*

#### **110 Medical services in prisons**

- (1) For section 3A of the Prisons (Scotland) Act 1989 (c.45) (medical services in prisons) substitute—

##### **“3A Medical officers for prisons**

- (1) The Scottish Ministers must designate one or more medical officers for each prison.
- (2) A person may be designated as a medical officer for a prison only if the person is a registered medical practitioner performing primary medical services for prisoners at the prison under the National Health Service (Scotland) Act 1978 (c.29).
- (3) A medical officer has the functions that are conferred on a medical officer for a prison by or under this Act or any other enactment.
- (4) A medical officer is not an officer of the prison for the purposes of this Act.
- (5) Rules under section 39 of this Act may provide for the governor of a prison to authorise the carrying out by officers of the prison of a search of any person who is in, or is seeking to enter, the prison for the purpose of providing medical services for any prisoner at the prison.
- (6) Nothing in rules made by virtue of subsection (5) allows the governor to authorise an officer of a prison to require a person to remove any of the

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*Status: This is the original version (as it was originally enacted).*

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person’s clothing other than an outer coat, jacket, headgear, gloves and footwear.”.

- (2) In section 41D of that Act (unlawful disclosure of information by medical officers), for subsection (1) substitute—
- “(1) This section applies to—
- (a) a medical officer for a prison, and
  - (b) any person acting under the supervision of such a medical officer.”.

(3) In section 107 of the Criminal Justice and Public Order Act 1994 (c.33) (officers of contracted out prisons), for subsections (6) to (8) substitute—

“(6) The director must designate one or more medical officers for the prison.

(7) A person may be designated as a medical officer for the prison only if the person is a registered medical practitioner performing primary medical services for prisoners at the prison under the National Health Service (Scotland) Act 1978 (c.29).”.

(4) In section 110 of that Act (consequential modifications of the 1989 Act etc.)—

    - (a) in each of subsections (3) and (4), for “3A(6)” substitute “3A(5) and (6)”,
    - (b) subsection (4A) is repealed, and
    - (c) in subsection (6), for “3A(1) to (5) (medical services)” substitute “3A(1) and (2) (medical officers)”.

(5) In section 111(3) of that Act (intervention by the Scottish Ministers), in paragraph (c), after “prison” insert “and the medical officer or officers for the prison”.