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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 8**

**PRISONS**

**The Discontinuance of Legalised  
Police Cells (Scotland) Rules 2008**

<i>Made</i>	- - - -	<i>14th January 2008</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>16th January 2008</i>
<i>Coming into force</i>	- -	<i>20th February 2008</i>

The Scottish Ministers make the following Rules in exercise of the powers conferred by sections 14 and 39 of the Prisons (Scotland) Act 1989<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 14(1) of that Act, Northern Joint Police Board, as the relevant police authority, have applied to the Scottish Ministers to have these Rules made.

**Citation and commencement**

1. These Rules may be cited as the Discontinuance of Legalised Police Cells (Scotland) Rules 2008 and shall come into force on 20th February 2008.

**Revocation: Kirkwall**

2. The Legalised Police Cells (Kirkwall) Rules 1954<sup>(2)</sup> are revoked.

**Revocation: Lerwick**

3. The Rule made by the Secretary of State under the Prisons (Scotland) Acts 1860 to 1926<sup>(3)</sup> dated 16th July 1940<sup>(4)</sup> which appointed the four cells on the ground floor and two cells on the

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(1) 1989 c. 45; section 14 was amended by the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9) (“the 1993 Act”), Schedule 5, paragraph 6(3); and by the Local Government (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 162; section 39 was amended by the 1993 Act, sections 24 and 25, Schedule 5, paragraph 6(6) and Schedule 7; by the Criminal Justice and Public Order Act 1994 (c. 33), section 116(4); by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), Schedule 4, paragraph 75(4); and by the Crime and Disorder Act 1998 (c. 37), Schedule 8, paragraph 71. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) S.I. 1954/16.

(3) Section 3 of the Prisons (Scotland) Act 1926 (16 & 17 Geo. 5.) (“the 1926 Act”) provides that the 1926 Act and the Prisons (Scotland) Acts 1860 to 1909, may be cited as the Prisons (Scotland) Acts, 1860 to 1926. The enabling power to make the Rules is contained in section 30 of the Prisons (Scotland) Act 1877 (40 & 41 Vict, c.53) (“the 1877 Act”). Section 30 of the 1877 Act was repealed by section 43 of and Schedule 4 to the Prisons (Scotland) Act 1952 (c. 61) (“the 1952 Act”) but was re-enacted with modifications by section 14 of the 1952 Act. Section 14 of the 1952 Act was repealed by section 45 of and Schedule 3 of the 1989 Act but re-enacted with modifications by section 14 of the 1989 Act.

upper floor of the building situated in the Burgh of Lerwick and the County of Zetland to be a legal prison for the detention of prisoners before, during or after trial for any period not exceeding 30 days is revoked.

**Revocation: Stornoway**

4. The Rule made by the Secretary of State under the Prisons (Scotland) Acts 1860 to 1926 dated 17th May 1927(5) which appointed the three cells on the upper flat of the buildings situated in the Burgh of Stornoway in the County of Ross and Cromarty to be a legal prison for the detention of prisoners before, during or after trial for any period not exceeding 30 days is revoked.

**Revocation: Thurso**

5. The Rule made by the Secretary for Scotland(6) under the Prisons (Scotland) Act 1877(7) dated 10th November 1893(8) which appointed the police cells at Thurso in the County of Caithness belonging to the police authority for that county to be a legal prison for the detention of prisoners before, during or after trial for any period not exceeding 3 days is revoked.

**Revocation: Lochmaddy**

6. The Rule made by the Secretary for Scotland under the Prisons (Scotland) Act 1877 dated 27th April 1893(9) which appointed the six police cells erected at Lochmaddy in the County of Inverness to be a legal prison for the detention of prisoners before, during or after trial for any period not exceeding 14 days is revoked.

St Andrew's House,  
Edinburgh  
14th January 2008

*KENNY MACASKILL*  
A member of the Scottish Executive

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(4) S.R. & O. 1940 No. 1658. This Rule is no longer available in print. A copy may be viewed at Calton House, 5 Redheughs Rigg, Edinburgh EH12 9HW.  
(5) S.R. & O. 1927 No. 600.  
(6) By virtue of section 1 of the Secretaries of State Act 1926 (c. 18), the powers and duties of Secretary for Scotland became the powers and duties of a Principal Secretary of State.  
(7) 1877 c53.  
(8) S.R. & O. 1893 p.479. This Rule is no longer available in print. A copy may be viewed at Calton House, 5 Redheughs Rigg, Edinburgh EH12 9HW.  
(9) S.R. & O. 1893 p. 477. This Rule is no longer available in print. A copy may be viewed at Calton House, 5 Redheughs Rigg, Edinburgh EH12 9HW.

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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules provide for the discontinuance, as at 20th February 2008, of the police cells in the possession of Northern Joint Police Board.

Rule 2 provides for the discontinuance of police cells in Kirkwall as a place in which prisoners may be detained before, during or after trial for any period not exceeding thirty days.

Rule 3 provides for the discontinuance of police cells in Lerwick as a place in which prisoners may be detained before, during or after trial for any period not exceeding thirty days.

Rule 4 provides for the discontinuance of police cells in Stornoway as a place in which prisoners may be detained before, during or after trial for any period not exceeding thirty days.

Rule 5 provides for the discontinuance of police cells in Thurso as a place in which prisoners may be detained before, during or after trial for any period not exceeding three days.

Rule 6 provides for the discontinuance of police cells in Lochmaddy as a place in which prisoners may be detained before, during or after trial for any period not exceeding fourteen days.