

EXECUTIVE NOTE

THE DISCONTINUANCE OF LEGALISED POLICE CELLS (SCOTLAND) RULES 2008 SSI/2008/8

Introduction

The above Rules provide for the discontinuance of all legalised police cells (“LPCs”) within the responsibility of Northern Constabulary, and were made by Scottish Ministers in exercise of the powers conferred on them by sections 14 and 39 of the Prisons (Scotland) Act 1989 (“the 1989 Act”). The instrument is subject to negative resolution procedure in the Scottish Parliament, and comes into force on 20 February 2008.

Policy Objective

The main purpose of the LPCs is to hold prisoners when it is not possible to take them immediately from court to the prison in which they are to be held, usually for reasons of distance. Most LPCs are therefore in relatively remote areas. Short sentences of less than 30 days can also be served in LPCs. Due to the substantial improvements in travel over the years it is no longer necessary to hold prisoners in LPCs. Northern Constabulary have advised that convicted prisoners no longer serve any part of their sentence in LPCs. There are good links between the islands and the mainland, so that all convicted prisoners are transported to mainland prisons to serve their sentence. The cells are now an additional expense and serve no useful purpose. LPC status means that cells must have a visiting committee and otherwise comply with the legal requirements applicable to prisons, but there is now no operational requirement that would justify the expense attached to this and so the police authority, Northern Constabulary, have asked for the LPCs to be legally discontinued, and the Scottish Ministers have agreed to that request.

Legislative Background

Under section 14 of the 1989 Act, LPCs are now designated by the Scottish Ministers, on the application of a police authority, by rules under section 39 of the Act. These Rules revoke the existing rules that apply in the Northern Constabulary Area, as made under the statutory predecessors to section 14 of the 1989 Act.

Scottish Prison Service
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