

EXECUTIVE NOTE

THE CAMPBELTOWN LEGALISED POLICE CELLS (DECLARATION AND REVOCATION) RULES 2009 (SSI 2009/380)

Introduction

The above rules provide for the declaration of two new cells in the Police Office situated at Millknowe Road, Campbeltown, PA28 6HA within the responsibility of Strathclyde Joint Police Board to be legal prisons for the detention of prisoners before, during or after trial for any period not exceeding 30 days. The rules also provide for the revocation of the rule made by the Secretary of State dated 20 February 1882 under the Prisons (Scotland) Acts 1877 which appointed the discontinued prison of Campbeltown to be a legal prison. The rules 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 26 November 2009.

Policy Objectives

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. Strathclyde Police has taken occupancy of new premises at Millknowe Road, Campbeltown and they have asked for two of the cells (named Female 1 and Male 1) in the Police Office to be designated as legalised police cells for the detention of prisoners before, during or after trial for a period of 30 days. The Police Office at Castlehill Street is to be closed and discontinued as a legal prison.

Legislative Background

The functions of the Secretary of State under section 14 of the 1989 Act were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998. Under section 14 of the 1989 Act, the Scottish Ministers have power to designate LPCs on the application of a police authority, by rules under section 39 of the Act. These rules declare that two cells in the new premises in Campbeltown shall be legal prisons, and revoke the existing rule made under the statutory predecessors to section 14 of the 1989 Act.