



Prisons (Scotland) Act 1989

1989 CHAPTER 45

Miscellaneous

38 Acquisition of land for prisons.

- (1) The Secretary of State may purchase by agreement, or compulsorily, any land required for the alteration, enlargement or rebuilding of a prison or for building or establishing a new prison or for any other purpose connected with the management of a prison (including the provision of accommodation for officers or servants employed therein).
- (2) For the purpose of the compulsory purchase of land by the Secretary of State under the foregoing subsection, the ^{M1}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply as if section 1(1)(d) (which refers to the compulsory purchase of land by the Secretary of State under the ^{M2}National Health Service (Scotland) Act 1972) included a reference to the foregoing subsection.
- (3) In relation to the purchase of land by agreement under this section, the Lands Clauses Acts (except the provisions relating to the purchase of land otherwise than by agreement and the provisions relating to access to the special Act, and except sections 120 to 125 (sale of superfluous lands) of the ^{M3}Lands Clauses Consolidation (Scotland) Act 1845) shall be incorporated with this section, and in construing those Acts as so incorporated this section shall be deemed to be the special Act and references to the promoters of the undertaking shall be construed as references to the Secretary of State.

Modifications etc. (not altering text)

C1 S. 38 excluded (18.9.1998) by [S.I. 1998/2251](#), [art. 16\(1\)](#)

Marginal Citations

M1 1947 c. 42.

M2 1972 c. 58.

M3 1845 c. 19.

Changes to legislation:

There are currently no known outstanding effects for the Prisons (Scotland) Act 1989, Section 38.