



Prisons (Scotland) Act 1989

1989 CHAPTER 45

Miscellaneous

[^{F1} 40A Warrants for arrest of escaped prisoners.

(1) On an application [^{F2}by a constable] being made to a justice alleging that any person is an offender unlawfully at large from a prison or other institution to which this Act or, as the case may be, the Prison Act 1952 or the Prison Act (Northern Ireland) 1953 applies in which he is required to be detained after being convicted of an offence, the justice may issue a warrant to arrest him and bring him before any sheriff.

[A warrant for a person's arrest under this section confers power on a constable—

^{F3}(1A) (a) to enter and search any premises or other places specified in the warrant, and
(b) to use reasonable force in doing so.]

(2) Where a person is brought before a sheriff in pursuance of a warrant for his arrest under this section, the sheriff shall, if satisfied that he is the person named in the warrant and if satisfied that he is an offender unlawfully at large as mentioned in subsection (1) above, order him to be returned to the prison or other institution where he is required or liable to be detained.]

Textual Amendments

F1 S. 40A inserted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 75(6)**

F2 Words in s. 40A(1) inserted (11.10.2019) by Management of Offenders (Scotland) Act 2019 (asp 14), **ss. 60(3)(a)**, 63(2); S.S.I. 2019/309, reg. 2, sch.

F3 S. 40A(1A) inserted (11.10.2019) by Management of Offenders (Scotland) Act 2019 (asp 14), **ss. 60(3)(b)**, 63(2); S.S.I. 2019/309, reg. 2, sch.

Modifications etc. (not altering text)

C1 S. 40A excluded (18.9.1998) by S.I. 1998/2251, **art. 16(1)**

Changes to legislation:

There are currently no known outstanding effects for the Prisons (Scotland) Act 1989, Section 40A .