



Prisons (Scotland) Act 1989

1989 CHAPTER 45

Central administration

7 Appointment and functions of Her Majesty's Chief Inspector of Prisons for Scotland.

(1) Her Majesty may appoint a person to be Chief Inspector of Prisons for Scotland.

[^{F1}(2) The functions of the Chief Inspector are—

- (a) to inspect, or arrange for the inspection of, prisons and the treatment of prisoners,
- (b) to inspect the conditions in which prisoners are transported or held in pursuance of prisoner escort arrangements (within the meaning of section 102 (arrangements for the provision of prisoner escorts) of the Criminal Justice and Public Order Act 1994),
- (c) to inspect the arrangements operated by prisons for the temporary release of prisoners in accordance with rules made under section 39,
- (d) to investigate specific matters connected with prisons or prisoners which have been referred to the Chief Inspector by the Scottish Ministers,
- (e) to issue instructions to prison monitoring co-ordinators in relation to the exercise of their functions,
- (f) to prepare and publish guidance on the exercise of the functions of prison monitoring co-ordinators and independent prison monitors,
- (g) to evaluate the performance of each prison monitoring co-ordinator, and
- (h) such other functions as are conferred on the Chief Inspector by this or any other enactment.

(3) The Chief Inspector must report to the Scottish Ministers—

- (a) following an inspection carried out under subsection (2)(a),(b) or (c),
- (b) following an investigation carried out under subsection (2)(d), and
- (c) annually, in relation to—
 - (i) the conditions in prisons and the treatment of prisoners, and
 - (ii) the exercise of the functions of independent prison monitors.

Changes to legislation: There are currently no known outstanding effects for the Prisons (Scotland) Act 1989, Section 7. (See end of Document for details)

- (4) In relation to a report made under subsection (3)(c)—
- (a) the report is to be in such form and made by such date as the Scottish Ministers may direct, and
 - (b) different forms and different dates may be directed in relation to reports made under subsection (3)(c)(i) and (ii).
- (5) The Chief Inspector must lay before the Scottish Parliament—
- (a) a copy of any report made under subsection (3)(c), and
 - (b) a copy of any report made by a prison monitoring co-ordinator under section 7B(6)(b) or (c).
- (6) The Chief Inspector may report to the Scottish Ministers in such manner as the Chief Inspector considers appropriate on any matter relating to—
- (a) the conditions in prisons,
 - (b) the treatment of prisoners, or
 - (c) the exercise of the functions of prison monitoring co-ordinators or independent prison monitors.
- (7) For the purpose of exercising any of the Chief Inspector's functions, the Chief Inspector may, without prior notice—
- (a) visit any prison, and access any part of a prison, in Scotland,
 - (b) speak in private with any prison monitoring co-ordinator, independent prison monitor, prisoner, visitor, prison officer or other person working at the prison, who agrees to speak to the Chief Inspector, or
 - (c) examine any prison records, other than personnel records.
- (8) The Scottish Ministers are to pay the Chief Inspector such salary and allowances, and such other sums in respect of the exercise of the Chief Inspector's functions, as the Scottish Ministers consider appropriate.
- (9) The Scottish Ministers may provide staff, property or services to the Chief Inspector to assist the Chief Inspector in the exercise of the Chief Inspector's functions.]

Textual Amendments

F1 S. 7(2)-(9) substituted for (31.8.2015) by [The Public Services Reform \(Inspection and Monitoring of Prisons\) \(Scotland\) Order 2015 \(S.S.I. 2015/39\)](#), arts. 1, **2(3)** (with art. 5)

Modifications etc. (not altering text)

C1 S. 7 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 7.