



# Criminal Justice (Scotland) Act 1949

## 1949 CHAPTER 94

### PART II

#### ADMINISTRATIVE PROVISIONS AND PROVISIONS AS TO TREATMENT OF PRISONERS, ETC.

##### *Institutions for offenders*

#### **50 Remand centres, detention centres and Borstal institutions**

- (1) The Secretary of State may provide—
  - (a) remand centres, that is to say places for the detention of persons not less than fourteen but under twenty-one years of age who are remanded or committed in custody for trial or sentence;
  - (b) detention centres, that is to say places in which persons not less than fourteen but under twenty-one years of age who are ordered to be detained in such centres under this Act may be kept for short periods under discipline suitable to persons of their age and description; and
  - (c) Borstal institutions, that is to say places in which offenders who on the date of their conviction were not less than sixteen but under twenty-one years of age may be detained and given such training and instruction as will conduce to their reformation and the prevention of crime.
- (2) The Secretary of State shall provide in remand centres facilities for the observation and examination of any person detained therein on whose physical or mental condition a medical report may be desirable for the assistance of the court in determining the most suitable method of dealing with his case.
- (3) Where any person under seventeen years of age is committed to, or ordered to be detained in, a remand centre under this Act for the purpose of obtaining a medical report on his physical or mental condition, the council of the county or large burgh who would be responsible for his maintenance if he were detained in a remand home shall pay to the Secretary of State, in such manner as the Secretary of State may with the approval of the Treasury determine, such sums in respect of the maintenance of that person as the Secretary of State may with the like approval direct.

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- (4) The Prisons (Scotland) Acts, 1860 to 1926 shall, subject to such adaptations and modifications as may be made by rules of the Secretary of State, apply to remand centres, detention centres and Borstal institutions, and to persons detained therein, as they apply to prisons and prisoners.
- (5) The appropriation of a prison vested in the Secretary of State under the Prisons (Scotland) Act, 1877 for use as a remand centre, detention centre or Borstal institution shall not be deemed, for the purposes of section thirty-nine of that Act, to be a discontinuance of the prison.
- (6) Section six of the Prevention of Crimes Act, 1871, and section eight of the Penal Servitude Act, 1891 (which relate to the registration, measurement and photographing of prisoners) shall have effect as if references therein to prisons and prisoners included references to remand centres, detention centres and Borstal institutions, and to persons detained therein.

## **51 Remand homes**

- (1) As from such date as may be specified in an order made by statutory instrument by the Secretary of State, no premises shall be used as a remand home unless a certificate of approval has been issued by the Secretary of State.
- (2) The Secretary of State may by rules made under this Act apply to remand homes, with such adaptations and modifications as he thinks fit, the provisions of section eighty-three and subsection (3) of section one hundred and nine of the Children and Young Persons (Scotland) Act, 1937 (which relate to the approval of schools for the purposes of that Act and the evidence of such approval).
- (3) No person shall be appointed after the commencement of this Act to be in charge of a remand home unless his appointment has been approved by the Secretary of State.
- (4) Councils of counties and) large burghs may provide in remand homes .provided for their areas facilities for the observation and examination of any person detained therein On whose physical or mental condition a medical report may be desirable for the assistance of the court in determining the most suitable method of dealing with his case, or may, if facilities for observation and examination are available at any other institution or place, arrange for the use of those facilities for the observation and examination of any such person as aforesaid.
- (5) Subsections (5) and (6) of section seventy-one of this Act shall apply in relation to the removal of any person from a remand home to an institution or place where facilities are available in pursuance of arrangements made under the last foregoing subsection for the purpose of obtaining such a report as aforesaid as they apply in relation to any such removal as is mentioned in the said subsection (5).
- (6) Any expenses incurred by the council of a county or large burgh in giving effect to arrangements made under subsection (4) of this section, and any sums paid by such a council under subsection (3) of the last foregoing section, shall be treated for the purposes of any grant under section one hundred and seven of the Children and Young Persons (Scotland) Act, 1937, as expenses of the council in respect of remand homes.

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## **52 Acquisition of land for prisons and other institutions**

- (1) The Secretary of State may purchase by agreement, or compulsorily, any land required for the alteration, enlargement or rebuilding of a State Mental Hospital or of a prison or other institution to which the Prisons (Scotland) Acts, 1860 to 1926, apply or for building or establishing a new State Mental Hospital, a new prison or a new institution as aforesaid or for any other purpose connected with the management of any such State Mental Hospital, prison or institution (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 last foregoing subsection, the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947 shall apply as if paragraph (d) of subsection (1) of section- one thereof (which refers to the compulsory purchase of land by the Secretary of State under the National Health Service (Scotland) Act, 1947) included a reference to the last 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 one hundred and twenty to one hundred and twenty-five of the 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.