



Prisons (Scotland) Act 1877

1877 CHAPTER 53

ADMINISTRATION OF PRISONS

Prison Commissioners

7 Appointment of Prison Commissioners

For the purpose of aiding the Secretary of State in carrying into effect the provisions of this Act relating to prisons in Scotland, Her Majesty may, on the recommendation of the Secretary of State, at any time after the passing of this Act by warrant under Her Sign Manual appoint any number of persons not exceeding three to be Commissioners during Her Majesty's pleasure, and may, on the recommendation of the Secretary of State, on the occasion of any vacancy in the office of any Commissioner by death, resignation, or otherwise,

by the like warrant appoint some other fit person to fill such vacancy. For the like purpose the Sheriff of the county of Perth and the Crown Agent for Scotland for the time being shall be Commissioners *ex officio*. The Commissioners shall be a body corporate, with power to hold land so far as may be necessary for the purposes of this Act, and shall be styled "The Prison Commissioners for Scotland."

The Secretary of State may from time to time appoint one of the Commissioners to be chairman.

Any act or thing required or authorised to be done by the Prison Commissioners may be done by any one or more of them as the Secretary of State may by general or special rule direct.

8 Appointment of inspectors, officers, and servants

The Prison Commissioners shall be assisted in the performance of their duties by such number of inspectors, storekeepers, accountants, and other officers and servants as may, with the sanction of the Treasury as to number, be determined by the Secretary of State. The inspectors shall be appointed by the Secretary of State, the other officers and servants of the Prison Commissioners by the Prison Commissioners themselves, subject to the approval of the Secretary of State.

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9 Salaries

There may be paid, out of moneys provided by Parliament, to any two of the Prison Commissioners such salary for their services as the Secretary of State may, with the consent of the Treasury, determine.

There shall be paid, out of moneys provided by Parliament, to the inspectors and other officers and servants of the Prison Commissioners such salaries as the Secretary of State may, with the consent of the Treasury, determine.

10 Duties of Prison Commissioners

The general superintendence of prisons under this Act shall be vested in the Prison Commissioners, subject to the control of the Secretary of State.

The Secretary of State shall appoint the governors, matrons, and medical officers of prisons, such medical officers being medical practitioners duly registered under the Medical Act, and any Acts amending the same; and he shall also appoint to each prison a chaplain being a minister or licentiate of the Church of Scotland.

Subject as in this Act mentioned, the Prison Commissioners shall appoint all other officers in prisons (herein-after called subordinate officers), such appointments to be for general prison service.

The Prison Commissioners shall also make contracts, and do all other acts necessary for the maintenance of the prisons and prisoners within their jurisdiction. The Prison Commissioners shall have such office accommodation as the Secretary of State may, with the consent of the Treasury, determine.

Subject to the control of the Secretary of State, the Prison Commissioners, by themselves or their officers, shall visit and inspect the prisons within their jurisdiction, and shall examine into the state of the buildings, so as to form a judgment as to the repairs, additions or alterations which may appear necessary, regard being had to the arrangements requisite for the separation of prisoners and enforcement of hard labour, and shall further examine into the conduct of the respective officers and the treatment and conduct of the prisoners, the means of setting them to work, the amount of their earnings, and the expenses attending the prison, and shall inquire into all abuses within the prison, and regulate all matters required to be regulated by them.

Subject to the control of the Secretary of State, the Prison Commissioners, or any one or more of them, may, in addition to any powers otherwise conferred on them by this Act, exercise in relation to any prison under this Act, and the prisoners therein, all powers and jurisdiction by any Act of Parliament, or by any rules duly made in pursuance thereof, exercisable by the prison authority of a prison. And any reports, acts, or things required to be made or done to or by or in relation to the prison authority of a prison by any Act of Parliament, or by any such rules, shall, except in so far as is otherwise provided by this Act, be made or done to or by or in relation to the Prison Commissioners, or any one or more of them, or to or by or in relation to such persons or person as the Secretary of State may from time to time appoint.

The Prison Commissioners shall, in the exercise of their powers and jurisdiction under this Act, conform to any directions which may from time to time be given to them by the Secretary of State.

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11 Reports by Prison Commissioners

The Prison Commissioners shall, at such time or times as the Secretary of State may direct, make a report or reports to the Secretary of State of the condition of the prisons and prisoners within their jurisdiction, and an annual report to be made by them with respect to every prison within their jurisdiction shall be laid before both Houses of Parliament.

12 Report to contain information as to manufacturing processes in prison

Whereas it is expedient that the expense of maintaining in prison prisoners who have been convicted of crime should in part be defrayed by their labour during the period of their imprisonment, and that, with a view to defraying such expenses, and also of teaching prisoners modes of gaining honest livelihoods, means should be taken for promoting in prison the exercise of and instruction in useful trades and manufactures, so far as may be consistent with a due regard on the one hand to the maintenance of the penal character of prison discipline, and on the other to the avoidance of undue pressure on or competition, with any particular trade or industry: Be it enacted, that the annual report of the Prison Commissioners required by this Act to be laid before both Houses of Parliament shall state the various manufacturing processes carried on in each of the prisons within their jurisdiction, and such statement shall contain such particulars as to the kind and quantities of, and as to the commercial value of the labour on the manufactures, as to the number of prisoners employed, and otherwise, as may, in the opinion of the Secretary of State, be best calculated to afford information to Parliament.

13 Return of punishments to be made yearly

The Prison Commissioners shall make a yearly return to Parliament of all punishments of any kind whatsoever which may have been inflicted within each prison, and the offences for which such punishments were inflicted. .

Visiting Committee

14 Appointment of visiting committee of prisons

A visiting committee shall annually be appointed for every ordinary prison under this Act, consisting of such number of persons being commissioners of supply or justices of the peace of counties, and magistrates of burghs, to be appointed in such manner, and to be chosen at such time as the Secretary of State, having regard to the locality of the prison, to the prison authority heretofore having jurisdiction over such prison, and to the class of prisoners to be confined in such prison, may from time to time by any general or special rule prescribe.

The commissioners of supply of any county shall appoint members of a visiting committee when assembled at such general or special meeting as may be prescribed by the Secretary of State.

The magistrates of a burgh shall hold a special meeting at such time as may be prescribed by the Secretary of State, for the purpose of appointing any members of a visiting committee they may be required to appoint.

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Nothing in this Act, or in any rules to be made under this Act, shall restrict any member of the visiting committee for any prison from visiting the prison at any time, and any such member shall at all times have free access to every part of the prison, and to every prisoner therein.

15 Duties of visiting committee

The Secretary of State shall, on or before the commencement of this Act, make and publish, and may hereafter from time to time repeal, alter, or add to, rules with respect to the duties of a visiting committee, and such committee shall conform to any rules so made, but, subject as aforesaid, the members of such committee shall from time to time and at frequent intervals visit the prison for which they are appointed, and hear any complaints which may be made to them by the prisoners, and if asked privately. They shall report on any abuses within the prison, and also on any repairs which may be urgently required in the prison, and shall further take cognizance of any matters of pressing necessity, and do such acts and perform such duties in relation to a prison as they may be required to do or perform by the Secretary of State.

The visiting committee shall report to the Secretary of State any matters with respect to which they may consider it expedient, and shall report to the Secretary of State as soon as may be, and in such manner as he may direct, any matter respecting which they may be required by the Secretary of State to report.

16 Visit to prison by any sheriff or justice

Any sheriff or justice of the peace, having jurisdiction in the place in which a prison is situate, or having jurisdiction in the place where the offence in respect of which any prisoner may be confined in prison was committed, may, when he thinks fit, enter into and examine the condition of such prison, and of the prisoners therein, and he may enter any observations he may think fit to make in reference to the condition of the prison, or abuses therein, in the visitors book to be kept by the governor; and it shall be the duty of the governor to draw the attention of the visiting committee, at their next visit to the prison, to any entries made in the said book; but he shall not be entitled, in pursuance of this section, to visit any prisoner under sentence of death, or to communicate with any prisoner, except in reference to the treatment in prison of such prisoner, or to some complaint that such prisoner may make as to such treatment.