



Prisons (Scotland) Act 1877

1877 CHAPTER 53

PART II

SUPPLEMENTAL PROVISIONS

As to Classification and Commitment of Prisoners

27 Confinement of prisoners before and during trial

The Secretary of State may from time to time by any general or special rule appoint in any county or burgh a convenient prison or prisons in which prisoners are to be confined before and during trial, or at either of such times, and any prisoner who might, if this Act had not passed, have been lawfully confined in a prison situate within the area of such county or burgh may be lawfully confined in any prison or prisons so appointed : Moreover, the Secretary of State may by any general or special rule from time to time appoint any convenient prison or prisons in any adjoining or adjacent county or burgh to which prisoners may be committed for trial, safe custody, punishment, or otherwise, and any prisoners may be committed to such prison accordingly.

28 Confinement of prisoners after conviction

The Secretary of State may from time to time by any general or special rule appropriate either wholly or partially particular prisons within his jurisdiction to particular classes of convicted criminal prisoners, and may remove any convicted criminal prisoner from any one prison to any other prison within his jurisdiction for the purpose of his undergoing the whole or any portion of his punishment in such prison ; provided that a prisoner who is confined in a prison situate beyond the limits of the county or burgh in which he was convicted of his offence shall, at the time of his discharge, be taken back at the public expense to the county or burgh in' which he was so convicted.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

29 Confinement of civil prisoners

The Secretary of State may from time to time by any general or special rule appoint in any county or burgh, or in any adjoining or adjacent county or burgh, a prison or prisons in which civil prisoners are to be confined during the period of their imprisonment, and it shall be lawful to confine in any prison so appointed during the period of his imprisonment any civil prisoner who might, if this Act had not passed, have been confined during such period in any prison situate within the area of the county or burgh.

30 Secretary of State may legalise police cells as places of detention for short periods

In any county or burgh in which there are police cells or other premises in the possession of the police authority of such county or burgh, the Secretary of State may from time to time, on the application of such police authority, by any general or special rule, declare that such cells or any number of them, or such other premises or any part of them, shall be a legal prison for the detention of prisoners before or during or after trial, for any period not exceeding fourteen days; and any person charged with or convicted of any crime or any offence committed within such county or burgh, as the case may be, who might, if this Act had not passed, have been lawfully confined in a prison situate within the area of such county or burgh, may be lawfully confined in such police cells or other premises for such period : Provided always, the police authorities shall, in all cases, and at all times, have a prior claim to the use of such cells, and shall in no case be interfered with in their use thereof.

The maintenance of prisoners confined in such police cells or other premises shall be deemed to be the maintenance of prisoners in terms of this Act, and the expense incurred in respect thereof shall be defrayed out of moneys provided by Parliament, subject to this proviso, that the police authority shall not be entitled to make any claim in respect of the use of the police cells or other premises, or of the personal services rendered by any of their officers in detaining or removing the prisoners therein confined.

For the purposes of this section the police authority of any county or burgh, and all persons in their employment, shall be subject to the provisions of this Act, and of any rules made in pursuance thereof.

" Police authority " shall mean the body having the charge or management of the police of a county or burgh under the provisions of any general or local Act of Parliament.

31 Saving as to commitment of prisoners

Subject to this Act, and any rules made in pursuance thereof, prisoners may be committed to the same prison to which they might have been committed if this Act had not passed.

The committal or imprisonment of a prisoner to or in a prison, if otherwise valid, shall not be illegal by reason only that such prisoner ought, according to the law for the time being in force, to have been committed to, or imprisoned in, some other prison, but any such prisoner as is mentioned in this section shall, on application made on his behalf in a summary manner to any judge of the Court of Justiciary, be entitled to be removed at the public expense to such other prison as aforesaid.

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32 Legal custody of prisoner

A prisoner shall be deemed to be in legal custody whenever he is being taken to or from, or whenever he is confined in, any prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the walls of any such prison in the custody or under the control of a prison officer belonging to such prison; and any constable or other officer acting under the order of any sheriff, justice of the peace, or magistrate having power to commit a prisoner to prison may convey a prisoner to or from any prison to or from which he may be legally committed or removed, notwithstanding such prison may be beyond the jurisdiction of such constable or officer, in the same manner and with the same incidents as if such prison were within such jurisdiction.