



Prisons (Scotland) Act 1877

1877 CHAPTER 53

PART II

SUPPLEMENTAL PROVISIONS

As to Contracts and Debts

22 General saving of rights of creditors

Nothing in this Act contained shall (save as in this Act mentioned with respect to contracts and obligations between prison authorities) affect any right or claim of any creditor of a prison authority under any contract legally made or in respect of any dealing legally had before the commencement of this Act, and between such creditor and the prison authority of which he is a creditor such contract may be enforced in the same manner in all respects as if this Act had not passed.

23 Determination of contracts between prison authorities

Any contract made or obligation undertaken by any prison authority with any other prison authority for or in relation to the maintenance of any prison or prisoners, or any matter relating to such maintenance, shall be deemed to be determined on and after the commencement of this Act, without prejudice nevertheless to any moneys which may have accrued due under or in respect of such contract or obligation at or before the commencement of this Act.

24 Existing debts to be defrayed by prison authorities

There shall be defrayed by a prison authority in the same manner as if this Act had not passed,—

- (1) -All debts due and sums of money payable in respect of contracts performed, dealings completed, or any matter or thing done before the commencement of this Act; and,

Status: This is the original version (as it was originally enacted).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

- (2) All debts on account kept with any bank or any person (together with interest from time to time accruing thereon) due at the commencement of this Act in respect of any prison.

A debt in this section shall include any moneys borrowed or contracted to be borrowed by or advanced to a prison authority on the security or credit of any assessment applicable to the payment of the expenses of a prison; provided, that having regard to the exceptional circumstances of Orkney and Zetland, these counties shall, as regards the prisons just built or being built at Kirkwall and Lerwick, be entitled to borrow from the Public Works Loan Commissioners the amounts expended by them in the erection and furnishing of such prisons, so far as not already assessed for, as if the said amounts had been moneys authorised to be borrowed by the commissioners of supply of the said counties for the purposes of this Act.

25 Provision as to continuing contracts

Where any contract or dealing, in which any prison authority is concerned, is a continuous contract or dealing to be performed partly before, and partly after the commencement of this Act, and is not a contract or dealing which is declared by this Act to have determined, or a debt of the nature referred to in the preceding section, such contract or dealing shall be deemed to be divisible, and as to so much thereof as is performable before the commencement of this Act, shall create a debt or obligation to be discharged or performed by the prison authority concerned therein, and as to so much thereof as is performable after the commencement of this Act, shall create a debt or obligation to be discharged or performed out of moneys provided by Parliament.

For the purpose of enforcing the obligations laid upon or reserved against prison authorities in this and the three preceding sections, "prison authority" shall mean the commissioners of supply of the county at the passing of this Act within the jurisdiction of the prison authority; and all such obligations shall be a charge against the county general assessment of such county, but with a right of relief against the burgh or burghs at the passing of this Act within the said jurisdiction, and the municipal or police or other assessments thereof, in the proportion of the valuation of such burgh or burghs respectively to the valuation of such county.