



# Prisons (Scotland) Act 1877

## 1877 CHAPTER 53

### PART II

#### SUPPLEMENTAL PROVISIONS

##### *As to Discontinuance of Prisons*

#### **39 Power of Secretary of State to discontinue prisons**

The Secretary of State may by order from time to time discontinue any prison or prisons which are vested in him by this Act, and any order made by the Secretary of State in pursuance of this section shall be laid before both Houses of Parliament forthwith, if Parliament be sitting at the time of the order being made, or if not then sitting, within one month after the commencement of the then next session of Parliament.

#### **40 Effect of discontinuance of prison**

When a prison to which this Act applies is discontinued the Secretary of State may direct the same to be sold by public auction, at an upset price to be named in the advertisement of sale, and after paying the expenses of such sale, and also after making payment into the Exchequer, for the public use, of one hundred and twenty pounds in respect of each prisoner maintained by the prison authority to whom such prison originally belonged, for whom cell accommodation was provided in such discontinued prison at the time of the passing of this Act, he shall render the overplus (if any) to the commissioners of supply of the county and magistrates of the burgh or burghs at the passing of this Act within the jurisdiction of such prison authority in such proportions as he shall determine, having regard to the valuations of such county and burgh or burghs

The commissioners of supply of a county or magistrates of a burgh may purchase such discontinued prison, and if they do so they may sell or otherwise dispose of the same in such manner as they think fit; provided that any price obtained by them shall, in the first instance, be applied in extinguishing, or towards the extinction of, any sums

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borrowed in pursuance of this Act, and the overplus, if any, shall be applied as such commissioners or magistrates may think fit.

Where any discontinued prison forms part of or is immediately contiguous to any buildings belonging to the commissioners of supply of a county or the magistrates of a burgh, as the case may be, such commissioners of supply or magistrates, as the case may be, may, at any time before such prison is sold by public auction, require the Secretary of State to sell the same to them at the upset price named in the advertisement of sale, and thereupon such prison, but without any furniture or effects belonging thereto, shall belong to such commissioners of supply or magistrates, as the case may be, in the same manner as if they had purchased it at a public auction under this section.

Any sum payable by commissioners of supply or magistrates of burghs in pursuance of this section shall be deemed to be a debt due from such commissioners or magistrates to the Crown, and may be recovered accordingly.

For the purposes of this section such commissioners or magistrates may borrow, and the Public Works Loan Commissioners may advance by way of loan, to bear interest at such rate per centum as the Treasury may determine to be sufficient to prevent any loss to the Exchequer, such sum as may be required, so that the whole amount so borrowed be discharged within a period not exceeding thirty-five years.

For the purposes of this section the cell accommodation provided by a prison authority in all its prisons may be calculated, and if it appears from such calculation that sufficient accommodation has been provided by such authority in any one prison or prisons belonging to such authority no sum shall be payable under this section by such prison authority in respect of the discontinued prison, and a proportionate deduction shall be made in the sum payable under this section by a prison authority in the event of any partial accommodation in excess of the necessary accommodation having been provided in such other prisons belonging to that authority.