



# Prisons (Scotland) Act 1877

## 1877 CHAPTER 53

### PART II

#### SUPPLEMENTAL PROVISIONS

##### *Definitions*

**69 Definition of "furniture and effects belonging to a prison"**

The expression " furniture and effects belonging to a prison " includes all furniture, beds, bedding, clothes, linen, implements, machinery and stores, except goods manufactured for sale and materials in store for the purposes of such manufacture, also all books, papers, registers, and documents whatsoever relating to such prison or to the prisoners therein, also all articles whatsoever, whether or not of the same kind as those previously described, belonging at the commencement of this Act to the prison authority of any prison for the purposes of such prison.

**70 Definition of "prisoner" and "maintenance of prisoner" and "cell accommodation for prisoner"**

A " prisoner " for the purposes of this Act means any person committed to prison for trial, safe custody, punishment, or otherwise; and " the maintenance of a prisoner " includes all such necessary expenses incurred in respect of a prisoner for food, clothing, custody, safe conduct, and removal to or from any place of confinement or otherwise, from the period when the order for his committal to prison is made until his death or discharge from prison, as would if this Act had not passed have been payable by the managers appointed under the Prisons (Scotland) Administration Act, 1860, or by a prison authority, with this proviso, that nothing in this Act shall exempt a prisoner from payment of any costs or expenses in respect of his conveyance to prison or otherwise which he would have been liable to pay if this Act had not passed.

Nothing herein contained shall alter the law with respect to the aliment of civil prisoners, or with respect to the powers and jurisdiction at present possessed by the

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sheriff of a county or the magistrates of a burgh with respect to applications and proceedings for aliment, and for liberation of civil prisoners.

For the purposes of this Act, sufficient accommodation for the prisoners belonging to a prison authority shall, as nearly as can be ascertained, be deemed to be the average daily number of prisoners maintained at the expense of such authority, whether in its own prison or in a prison belonging to some other prison authority during the five years immediately preceding the first day of January one thousand eight hundred and seventy-seven.

" Cell accommodation for a prisoner " means a cell for the separate confinement of such prisoner certified in pursuance of this Act by the Secretary of State as in respect of its cubical contents and other particulars proper for the detention of prisoners.

## 71 Definitions of other terms used in this Act

In the construction of this Act, unless there is something inconsistent in the context,—

" County " shall not include a county of a city :

For the purposes of this Act, Orkney and Zetland shall be taken to be separate counties:

For the purposes of this Act the northern prison district and the southern prison district of the county of Lanark, as denned by the " Prisons' (Scotland) Administration Acts (Lanarkshire) Amendment Act, 1868," shall be taken to be separate counties ; and the duties, rights, and obligations arising under this Act shall, in the said districts, exist and be discharged, as nearly as may be, in conformity with the provisions of the last-mentioned Act; and if any question shall arise in regard thereto, it shall be determined by the Secretary of State; and any order under his hand shall have the same effect as if it were contained in this Act: Provided always, that after the commencement of this Act no district prison board shall be elected for either prison district of the said county :

" Burgh " shall include and apply to the cities, burghs, and towns which are royal burghs, or which send or contribute as burghs to send a member to Parliament:

For the purposes of this Act the boundaries of a burgh shall be the boundaries thereof at the passing of this Act for prison purposes, under the provisions of the Prisons (Scotland) Administration Act, 1860 :

" Magistrates " shall include the magistrates and town councils of burghs:

" Sheriff " shall include sheriff substitute :

" Prison authority " shall mean a county prison board appointed in terms of the Prisons (Scotland) Administration Act, 1860:

" Prison " shall include all legal prisons in Scotland, and in respect to those existing at the commencement of this Act, whether the same have been administered by the Managers appointed in terms of- the Prisons (Scotland) Administration Act, 1860, or by county prison boards appointed under that Act, but shall not include military prisons, or, except in so far as expressly provided, police cells or other places of detention: Provided always, that it shall include any land or building bought or contracted to be bought before the commencement of this Act by a prison authority for the purpose of enlarging or altering any prison, or adding to the appurtenances of any prison, subject to this proviso, that if the Secretary of State is of opinion that any portion of the lands so bought or contracted to be bought, whether included or not within the walls

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of the prison, was not at the time of the passing of this Act necessary for the then subsisting purposes of such prison, he shall either direct that such portion shall be re-conveyed to the prison authority, or retain such portion, or any part of such portion, on payment out of moneys provided by Parliament of such sum as may be agreed upon, or, in the event of difference, may be determined by arbitration in manner provided by this Act, on the transfer of any such prison to him, and the vesting thereof in him as by this Act provided:

" Ordinary prisons " shall include all legal prisons under this Act other than the general prison at Perth or any prison which may be hereafter declared by Her Majesty in Council to be a general prison:

" Civil prisoner " shall include all persons imprisoned for civil debts due to subjects; prisoners for debts or taxes due to the Crown, not being fines or penalties inflicted on conviction of offences; prisoners on meditatione fugse warrants granted" at the instance of creditors for performance of civil obligations; prisoners ad factum praestandum; prisoners under the Employers and Workmen Act, 1875 ; and prisoners until they find caution under writs of lawburrows :

" Criminal prisoner " shall include all prisoners who are not civil prisoners:

" Valuation " shall mean the total annual value of the lands and heritages within a comity or burgh as appearing from the valuation roll thereof for the time being in force :

" Governor " shall mean the chief male officer of a prison :

" Matron " shall mean the chief female officer of a prison.