



Management of Offenders (Scotland) Act 2019

2019 asp 14

PART 4

PRISONERS: CONTROL OF RELEASE, BEING UNLAWFULLY AT LARGE, ETC.

Persons unlawfully at large

60 Arrest where unlawfully at large

- (1) The Prisons (Scotland) Act 1989 is amended as follows.
- (2) In section 40—
 - (a) in subsection (1), after the word “required” there is inserted “or liable”,
 - (b) in subsection (4), for the words “For the purposes of this section, a” there is substituted “A”,and the title of section 40 becomes “Arrest of and rules for absent prisoners”.
- (3) In section 40A—
 - (a) in subsection (1), after the word “application” there is inserted “by a constable”,
 - (b) after subsection (1) there is inserted—

“(1A) A warrant for a person’s arrest under this section confers power on a constable—

 - (a) to enter and search any premises or other places specified in the warrant, and
 - (b) to use reasonable force in doing so.”.
- (4) The Custodial Sentences and Weapons (Scotland) Act 2007 is amended as follows.
- (5) In paragraph 4 of schedule 6, in the provision numbered as if inserted as section 9C(4) of the 1993 Act, the words “for the purposes of section 40 of the [Prisons \(Scotland\) Act 1989 \(c.45\)](#) (persons unlawfully at large)” are repealed.