



Prisons (Scotland) Act 1989

1989 CHAPTER 45

Confinement and treatment of prisoners

13 Legal custody of prisoner.

[^{F1}Without prejudice to section 295 of the Criminal Procedure (Scotland) Act 1995 (c. 46) (legal custody of persons generally), a prisoner is] in legal custody—

- (a) while he is confined in or being taken to or from any prison in which he may be lawfully confined; or
- (b) while he is working or is, for any other reason, outside the prison in the custody or under the control of an officer of the prison [^{F2}, a constable (“constable” having the same meaning as it has, by virtue of paragraph 17(1) and (2) of Schedule 1 to the Crime (Sentences) Act 1997 (c. 43), in section 40(1) of this Act) or a police custody and security officer] ; or
- (c) while he is being taken to any place to which he is required or authorised by or under this Act to be taken; or
- (d) while he is kept in custody in pursuance of such requirement or authorisation.

Textual Amendments

- F1** Words in s. 13 substituted (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\), ss. 24\(1\)\(a\), 89\(2\); S.S.I. 2003/288, art. 2, Sch.](#)
- F2** Words in s. 13(b) added (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\), ss. 24\(1\)\(b\), 89\(2\); S.S.I. 2003/288, art. 2, Sch.](#)

Modifications etc. (not altering text)

- C1** S. 13(b) modified (3.2.1995) by [1994 c. 33, s. 110\(4\); S.I. 1995/127, art. 2\(1\), Sch. 1](#)
S. 13(b) modified (3.2.1995) by [1994 c. 33, s. 112\(3\)\(4\)\(b\)\(6\); S.I. 1995/127, art. 2\(1\), Sch. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the Prisons (Scotland) Act 1989, Section 13.