



Prisons (Scotland) Act 1989

1989 CHAPTER 45

Detention and transfer of young offenders

21 Transfer to prison of persons over 21, and maximum age for detention in young offenders institution.

- (1) Subject to the provisions of this section [^{F1}but without prejudice to section 20A(2) of this Act], where a person serving a sentence of detention in a young offenders institution has attained the age of 21 years, the Secretary of State shall have power to transfer him to prison.
- (2) No person shall be detained in a young offenders institution after he has attained the age of 23 years, and accordingly any person so detained shall, not later than the day immediately preceding his twenty-third birthday, be transferred to prison.
- (3) Where a person has been transferred to prison under this section, he shall be treated for the purpose of his serving the unexpired part of his sentence and of his supervision on release as if the sentence of detention passed upon him were a sentence of imprisonment for a like term, and the provisions of [^{F2}the 1995 Act] , [^{F3}the Prisoners and Criminal Proceedings (Scotland) Act 1993] and this Act relating to the treatment and supervision of prisoners shall apply to him accordingly:

^{F4} . . .

Textual Amendments

- F1** Words in s. 21(1) inserted (1.10.1993) by 1993 c. 9, s. 47(1), **Sch. 5 para. 6(5)(a)** (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, **art. 3(4)**.
- F2** Words in s. 21(3) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 75(3)**
- F3** Words in s. 21(3) inserted (1.10.1993) by 1993 c. 9, s. 47(1), **Sch. 5 para. 6(5)(b)** (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, **art. 3(4)**.
- F4** Proviso in s. 21(3) repealed (1.10.1993) by 1993 c. 9, s. 47(3), **Sch. 7 Pt. I** (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, **art. 3(4)**.

Changes to legislation:

There are currently no known outstanding effects for the Prisons (Scotland) Act 1989, Section 21.