



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART VIII

#### PRISON SERVICES AND THE PRISON SERVICE

### CHAPTER II

#### SCOTLAND

##### *Provision of new prisons*

#### **113 Provision of new prisons.**

- (1) The [<sup>F1</sup>Scottish Ministers] may declare to be a prison—
  - (a) any building or part of a building built or adapted for the purpose; and
  - (b) any floating structure or part of such a structure constructed or adapted for the purpose,whether vested in, or under the control of, the [<sup>F1</sup>Scottish Ministers] or any other person.
- (2) Section 106(1) and subsection (1) above are without prejudice to the [<sup>F1</sup>Scottish Ministers] powers under the 1989 Act with respect to the provision of prisons.
- (3) A declaration under subsection (1) above—
  - (a) shall have effect for the purposes of the 1989 Act and any other enactment (including an enactment contained in subordinate legislation);
  - (b) shall not be sufficient to vest the legal estate in any building or structure in the [<sup>F1</sup>Scottish Ministers]; and
  - (c) may be revoked by the [<sup>F1</sup>Scottish Ministers] at any time other than a time when the prison to which it relates is a contracted out prison.

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**Changes to legislation:** Criminal Justice and Public Order Act 1994, Cross Heading: Provision of new prisons is up to date with all changes known to be in force on or before 05 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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- (4) Nothing in section 36 of the 1989 Act (prison property to be vested in the [<sup>F1</sup>Scottish Ministers]) shall require the legal estate in—
- (a) any prison provided under a contract entered into under section 106(1) above;
  - (b) any prison declared to be such under subsection (1) above and not vested in the [<sup>F1</sup>Scottish Ministers]; or
  - (c) any heritable or moveable property belonging to any prison mentioned in paragraph (a) or (b) above,
- to be vested in the [<sup>F1</sup>Scottish Ministers].

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#### Textual Amendments

**F1** Words in [s. 113](#) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2, Pt. I para. 115(7); [S.I. 1998/3178](#), [art. 2](#)

**Changes to legislation:**

Criminal Justice and Public Order Act 1994, Cross Heading: Provision of new prisons is up to date with all changes known to be in force on or before 05 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 51(10)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)