



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART VIII

#### PRISON SERVICES AND THE PRISON SERVICE

### CHAPTER II

#### COTLAND

#### *Provision of new prisons*

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

- (1) The Secretary of State 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 Secretary of State or any other person.
- (2) Section 106(1) and subsection (1) above are without prejudice to the Secretary of State's 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 Secretary of State; and
  - (c) may be revoked by the Secretary of State at any time other than a time when the prison to which it relates is a contracted out prison.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Nothing in section 36 of the 1989 Act (prison property to be vested in the Secretary of State) 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 Secretary of State; or
  - (c) any heritable or moveable property belonging to any prison mentioned in paragraph (a) or (b) above,
- to be vested in the Secretary of State.