



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART VIII

PRISON SERVICES AND THE PRISON SERVICE

CHAPTER II

SCOTLAND

Contracted out prisons

106 Contracting out of prisons.

- (1) The [^{F1}Scottish Ministers] may enter into a contract with another person for the provision or running (or the provision and running) by him, or (if the contract so provides) for the running by sub-contractors of his, of any prison or part of a prison in Scotland.
- (2) While a contract under this section for the running of a prison or part of a prison is in force—
 - (a) the prison or part shall be run subject to and in accordance with—
 - (i) sections 107 and 108 below; and
 - (ii) the 1989 Act and prison rules and directions made under or by virtue of that Act (all as modified by section 110 below); and
 - (b) in the case of a part, that part and the remaining part shall each be treated for the purposes of sections 107 to 112 below as if they were separate prisons.
- (3) Where the [^{F1}Scottish Ministers] grants a lease for the purpose of any contract under this section, none of the following enactments shall apply to it—

Changes to legislation: Criminal Justice and Public Order Act 1994, Section 106 is up to date with all changes known to be in force on or before 06 August 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

- (a) sections 4 to 7 of the ^{M1}Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (irritancy clauses); and
- (b) the ^{M2}Agricultural Holdings (Scotland) Act 1991 [^{F2}and the Agricultural Holdings (Scotland) Act 2003 (asp 11)] .

In this subsection “lease” includes a sub-lease.

(4) In this Chapter—

“contracted out prison” means a prison or part of a prison for the running of which a contract under this section is for the time being in force;

“the contractor”, in relation to a contracted out prison, means the person who has contracted with the [^{F1}Scottish Ministers] for the running of it; and

“sub-contractor”, in relation to a contracted out prison, means a person who has contracted with the contractor for the running of it or any part of it.

Textual Amendments

F1 Words in s. 106 substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I**, para. 115(3); S.I. 1998/3178, **art. 2**

F2 Words in s. 106(3)(b) inserted (27.11.2003) by Agricultural Holdings (Scotland) Act 2003 (asp 11), ss. 94, 95(3)(4), **Sch. para. 50** (with s. 95(1)); S.S.I. 2003/548, **art. 2(i)**

Marginal Citations

M1 1985 c.73.

M2 1991 c.55.

Changes to legislation:

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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\(3\)](#)