

**Changes to legislation:** There are currently no known outstanding effects for the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, Cross Heading: Prisons (Scotland) Act 1989 (c. 45). (See end of Document for details)

## SCHEDULES

### SCHEDULE 4

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### Extent Information

- E1** This Act extends to S. but any amendment contained in Sch. 4 of any enactment which extends to E.W. or N.I. also so extends, see s. 7(5)

#### *Prisons (Scotland) Act 1989 (c. 45)*

- 75 (1) The Prisons (Scotland) Act 1989 shall be amended as follows.
- (2) In subsection (1) of section 11 (removal of prisoners for judicial and other purposes), for the words “section 279 of the 1975 Act” there shall be substituted the words “section 132 of the 1995 Act”.
- (3) In subsection (3) of section 21 (transfer to prison of young offenders) for the words “the 1975 Act” where they first occur there shall be substituted the words “the 1995 Act”.
- (4) In section 39 (prison rules)—
- (a) in subsection (5), for the words “section 279 of the 1975 Act” there shall be substituted the words “section 132 of the 1995 Act”; and
  - (b) in subsection (7), for the words “section 206 of the 1975 Act” there shall be substituted the words “section 208 of the 1995 Act”.
- (5) For subsection (3) of section 40 (persons unlawfully at large) there shall be substituted the following subsection—
- “(3) In this section—
- (a) any reference to a person sentenced to imprisonment shall be construed as including a reference to any person sentenced or ordered to be detained under section 44, 205 or 208 of the 1995 Act;
  - (b) any reference to a prison shall be construed as including a reference to a place where the person is liable to be detained under the sentence or order; and
  - (c) any reference to a sentence shall be construed as including a reference to an order under the said section 44.”
- (6) After section 40 there shall be added the following section—
- “40A Warrants for arrest of escaped prisoners.**
- (1) On an application being made to a justice alleging that any person is an offender unlawfully at large from a prison or other institution to which this

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Act or, as the case may be, the Prison Act 1952 or the Prison Act (Northern Ireland) 1953 applies in which he is required to be detained after being convicted of an offence, the justice may issue a warrant to arrest him and bring him before any sheriff.

(2) Where a person is brought before a sheriff in pursuance of a warrant for his arrest under this section, the sheriff shall, if satisfied that he is the person named in the warrant and if satisfied that he is an offender unlawfully at large as mentioned in subsection (1) above, order him to be returned to the prison or other institution where he is required or liable to be detained.”

(7) In subsection (1) of section 43 (interpretation) for the definition of “the 1975 Act” there shall be substituted the following—

““the 1995 Act” means the Criminal Procedure (Scotland) Act 1995;”.

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