



# Prisons (Scotland) Act 1989

## 1989 CHAPTER 45

### *Detention and transfer of young offenders*

#### **19 Remand centres and young offenders institutions.**

- (1) The Secretary of State may provide—
  - (a) remand centres, that is to say places for the detention of persons not less than 14 but under 21 years of age who are remanded or committed in custody for trial or sentence; and
  - (b) young offenders institutions, that is to say, places in which offenders sentenced to detention in a young offenders institution may be kept.<sup>F1</sup>and in which certain such persons as are mentioned in paragraph (a) above may be kept ]
- (2) The Secretary of State shall provide in remand centres facilities for the observation and examination of any person detained therein on whose physical or mental condition a medical report may be desirable for the assistance of the court in determining the most suitable method of dealing with his case.
- <sup>F2</sup>(3) .....
- [<sup>F3</sup>(4) Subject to any exception or modification in any provision of this Act and unless the context otherwise requires, this Act applies to remand centres, young offenders institutions and to persons detained in such centres or institutions in the same manner as it applies to prisons and prisoners.
- (5) Section 11(4) and (5) does not apply to young offenders institutions.
- (6) Sections 1 to 3, 4 to 6, 9, 10, 11(1), 13 to 17, 33A to 37 and 41 to 41D apply to remand centres, young offenders institutions and to persons detained there in the same manner as those provisions apply to prisons and prisoners subject to such adaptations and modifications as may be made by rules made under section 39.]

#### **Textual Amendments**

- F1** Words in s. 19(1)(b) added (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\), ss. 23\(1\), 89\(2\); S.S.I. 2003/288, art. 2, Sch.](#)

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*Changes to legislation: There are currently no known outstanding effects for the Prisons (Scotland) Act 1989, Cross Heading: Detention and transfer of young offenders. (See end of Document for details)*

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- F2** S. 19(3) repealed (31.8.2015) by [The Public Services Reform \(Inspection and Monitoring of Prisons\) \(Scotland\) Order 2015 \(S.S.I. 2015/39\)](#), arts. 1, **2(8)(a)** (with art. 5)
- F3** S. 19(4)-(6) substituted for s. 19(4) (31.8.2015) by [The Public Services Reform \(Inspection and Monitoring of Prisons\) \(Scotland\) Order 2015 \(S.S.I. 2015/39\)](#), arts. 1, **2(8)(b)** (with art. 5)

## **20 Temporary detention of persons liable to detention in young offenders institution or remand centre.**

A person who is required to be taken to a young offenders institution or remand centre may, until arrangements can be made for taking him there, be temporarily detained elsewhere.

### **[<sup>F4</sup>20A Transfer of young offenders to prison or remand centre.**

- (1) Subject to section 21 of this Act, an offender sentenced to detention in a young offenders institution shall be detained in such an institution unless a direction under subsection (2) below is in force in relation to him.
- (2) The Secretary of State may from time to time direct that an offender sentenced to detention in a young offenders institution shall be detained in a prison or remand centre instead of in a young offenders institution, but if the offender is under 18 years of age at the time of the direction, only for a temporary purpose.
- (3) Where an offender is detained in a prison or remand centre by virtue of subsection (2) above, any rules under section 39 of this Act which apply in relation to persons detained in that place shall apply to that offender; but subject to the foregoing and to subsection (4) below, the provisions of the [<sup>F4</sup>1975 Act], the Prisoners and Criminal Proceedings (Scotland) Act 1993 and this Act relating to the treatment and supervision of persons sentenced to detention in a young offenders institution shall continue to apply to the offender.
- (4) Where an offender referred to in subsection (3) above attains the age of 21 years, subsection (3) of section 21 of this Act shall apply to him as if he had been transferred to prison under that section.]

#### **Textual Amendments**

- F4** S. 20A inserted (1.10.1993) by [1993 c. 9, s.23](#) (with ss. 5(1), 6(1), 10, 27 and 47(2), Sch. 6 paras. 1, 2, 6 and 7); [S.I. 1993/2050, art. 3\(4\)](#).  
By [1995 c. 40, ss. 5, 7\(2\), Sch. 4 para. 86\(2\)](#) it is provided (1.4.1996) that for the words “1975 Act” where they occur in [1993 c. 9](#) there shall be substituted “1995 Act”;

## **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 [<sup>F5</sup>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.

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**Changes to legislation:** There are currently no known outstanding effects for the Prisons (Scotland) Act 1989, Cross Heading: Detention and transfer of young offenders. (See end of Document for details)

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- (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 [<sup>F6</sup>the 1995 Act] , [<sup>F7</sup>the Prisoners and Criminal Proceedings (Scotland) Act 1993] and this Act relating to the treatment and supervision of prisoners shall apply to him accordingly:

<sup>F8</sup>  
...

#### Textual Amendments

- F5** 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)**.
- F6** Words in s. 21(3) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 75(3)**
- F7** 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)**.
- F8** 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:**

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