

Changes to legislation: Prisons (Scotland) Act 1989 is up to date with all changes known to be in force on or before 17 January 2024. 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

SCHEDULES

^{F1}SCHEDULE 1

Textual Amendments

- F1** Sch. 1 repealed (1.10.1993) by 1993 c. 9, s. 47(3), **Sch. 7 Pt.I** (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, **art. 3(4)**(and extended (1.10.1997) by 1997 c. 43, ss. 41, 56(1), Sch. 1 Pt. II paras. 10(2), 11(2), Sch. 5 paras. 11(2)(a), **12(2)(a)(c)**; S.I. 1997/2200, **art. 2(1)(g)(n)** (with art. 5))

Modifications etc. (not altering text)

- C1** Ss. 18, 19(4), 22, 24, 26, 28, 29, 30, 32, 39, 43, Sch. 1: certain functions made exercisable in Scotland (30.6.1999) by S.I. 1999/1748, art. 4(2), Sch. 3 Pts. II, **III** paras. 5-9

SCHEDULE 2

Section 45(1).

AMENDMENT OF ENACTMENTS

Children and Young Persons (Scotland) Act 1937

^{F2}₁

Textual Amendments

- F2** Sch. 2 para. 1 repealed (1.10.1993) by 1993 c. 9, s. 47(3), **Sch. 7 Pt.I** (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, **art. 3(4)**.

- 2 In section 87(1) and (3) of that Act, after the words “Act 1975” there shall be inserted the words “and of the Prisons (Scotland) Act 1989”.

Army Act 1955

^{F3}₃

Textual Amendments

- F3** Sch. 2 para. 3 repealed (1.10.1993) by 1993 c. 9, s. 47(3), **Sch. 7 Pt.I** (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, **art. 3(4)**.

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Air Force Act 1955

F44

Textual Amendments

F4 Sch. 2 para. 4 repealed (1.10.1993) by 1993 c. 9, s. 47(3), **Sch. 7 Pt.I** (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, **art. 3(4)**.

Naval Discipline Act 1957

F55

Textual Amendments

F5 Sch. 2 para. 5 repealed (1.10.1993) by 1993 c. 9, s. 47(3), **Sch. 7 Pt.I** (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, **art. 3(4)**.

6 In section 88 of that Act, in subsection (3)(c), for the words from “thirty-five” to “1952” there shall be substituted the words “39 of the Prisons (Scotland) Act 1989”, and, in subsection (4), for the words “37 of the Prisons (Scotland) Act 1952” there shall be substituted the words “40 of the Prisons (Scotland) Act 1989”.

Criminal Justice Act 1961

7 In section 30(1)(b) of the ^{M1}Criminal Justice Act 1961, for the words “37 of the Prisons (Scotland) Act 1952” there shall be substituted the words “40 of the Prisons (Scotland) Act 1989”.

Marginal Citations

M1 1961 c. 39.

Criminal Justice (Scotland) Act 1963

F68

Textual Amendments

F6 Sch. 2 para. 8 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)**.

Criminal Justice Act 1967

9 In section 69(2) of the ^{M2}Criminal Justice Act 1967, for the words “37 of the Prisons (Scotland) Act 1952” there shall be substituted the words “40 of the Prisons (Scotland) Act 1989”.

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Marginal Citations

M2 1967 c. 80.

Courts-Martial (Appeals) Act 1968

10 In section 52 of the ^{M3}Courts-Martial (Appeals) Act 1968, for paragraph (e) there shall be substituted the following paragraph—

“(e) section 39 of the Prisons (Scotland) Act 1989; or”.

Marginal Citations

M3 1968 c. 20.

Criminal Procedure (Scotland) Act 1975

11 In section 205A(1) of the ^{M4}Criminal Procedure (Scotland) Act 1975, for the words “61 of the Criminal Justice Act 1967” there shall be substituted the words “26 of the Prisons (Scotland) Act 1989”.

Marginal Citations

M4 1975 c. 21.

12 For section 206(1) of that Act, there shall be substituted the following section—

“206 Detention of children convicted on indictment.

Subject to section 205 of this Act, where a child is convicted and the court is of the opinion that no other method of dealing with him is appropriate, it may sentence him to be detained for a period which it shall specify in the sentence; and the child shall during that period be liable to be detained in such place and on such conditions as the Secretary of State may direct.”

^{F7}13

Textual Amendments

F7 Sch. 2 para. 13 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)**.

^{F8}14

Textual Amendments

F8 Sch. 2 para. 14 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)**.

^{F9}15

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Textual Amendments

F9 Sch. 2 para. 15 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)**.

16 In section 462(1) of that Act, for the words “Prisons (Scotland) Act 1952”, wherever these words occur, there shall be substituted the words “Prisons (Scotland) Act 1989”.

Law Reform (Miscellaneous Provisions) (Scotland) Act 1980

F10 17

Textual Amendments

F10 Sch. 2 para. 17 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)**.

Contempt of Court Act 1981

F11 18

Textual Amendments

F11 Sch. 2 para. 18 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)**.

Mental Health (Scotland) Act 1984

19 In section 74(8) of the ^{M5}Mental Health (Scotland) Act 1984, for the words “37 of the Prisons (Scotland) Act 1952” there shall be substituted the words “40 of the Prisons (Scotland) Act 1989”.

Marginal Citations

M5 1984 c. 36.

SCHEDULE 3

Section 45(2).

REPEALS

Chapter	Short title	Extent of repeal
Edw. 8 & 1 Geo. 6. c. 37.	Children and Young Persons (Scotland) Act 1937.	In section 62(b), the words “subsection (2) of”.
15 & 16 Geo. 6 & 1 Eliz. 2. c. 61.	Prisons (Scotland) Act 1952.	The whole Act.

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9 & 10 Eliz. 2 c. 39.	Criminal Justice Act 1961.	Section 30(4).
1963 c. 39.	Criminal Justice (Scotland) Act 1963.	Section 10. Section 12. Section 14. Section 50. Section 51. Section 54. In Schedule 1, paragraphs 1 to 3 and, in paragraph 14, the words “Part I of this Schedule or”. In Schedule 5, the entry relating to the Prisons (Scotland) Act 1952.
1967 c. 80.	Criminal Justice Act 1967.	Sections 59 to 62. Section 64. Section 100(2A). Schedule 2.
1972 c. 71.	Criminal Justice Act 1972.	Section 35.
1975 c. 21.	Criminal Procedure (Scotland) Act 1975.	In section 206, subsections (2) to (7). Section 206A. Section 213. Section 422. In Schedule 9, paragraphs 16, 31 to 35 and 41.
1977 c. 45.	Criminal Law Act 1977.	In Schedule 12, paragraph 7(4) to (6) of the entry relating to the Criminal Justice Act 1967.
1980 c. 62.	Criminal Justice (Scotland) Act 1980.	Section 44. Section 45(2). Schedule 5. In Schedule 7, paragraphs 1 to 6, 14, 15 and 17 to 20.
1982 c. 48.	Criminal Justice Act 1982.	Section 33(a) and (b). Section 57(2).

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		In Schedule 14, paragraphs 18 to 21.
1985 c. 73.	Law Reform (Miscellaneous Provisions) (Scotland) Act 1985.	Section 42.
		Section 44.
		Section 45.
1988 c. 33.	Criminal Justice Act 1988.	In Schedule 9, paragraph 1.
		In Schedule 15, paragraph 18.

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Changes and effects yet to be applied to :

- s. 32A(1)(a) word inserted by [2023 asp 4 s. 9\(13\)](#)
- s. 39(7)s. 39(7A)(7B) repealed by [2007 asp 17 sch. 5](#)