



Criminal Justice (Scotland) Act 1949

1949 CHAPTER 94

PART II

ADMINISTRATIVE PROVISIONS AND PROVISIONS AS TO TREATMENT OF PRISONERS, ETC.

Rules for management of prisons, etc.

53 Rules for the management of prisons, remand centres, detention centres and Borstal institutions

- (1) The Secretary of State may make rules for the regulation and management of prisons, remand centres, detention centres and Borstal institutions respectively, and for the classification, treatment, employment, discipline and control of persons required to be detained therein.
- (2) Rules made under this section shall make provision for ensuring that a person who is charged with any offence under the rules shall be given a proper opportunity of presenting his case.
- (3) Rules made under this section may provide for the training of particular classes of persons and their allocation for that purpose to any prison or other institution in which they may lawfully be detained.
- (4) Rules made under this section may provide for the appointment of a convenient prison or prisons—
 - (a) in which prisoners are to be confined before and during trial, or at either of such times;
 - (b) in which particular classes of prisoners may be confined;
 - (c) in which civil prisoners may be confined during the period of their imprisonment.
- (5) Rules made under this section shall provide for the special treatment of the following persons whilst required to be detained in a prison, that is to say—
 - (a) any person serving a sentence of corrective training or preventive detention;

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- (b) any person serving a sentence on conviction of sedition;
 - (c) any appellant within the meaning of the Criminal Appeal (Scotland) Act, 1926, pending the determination of his appeal;
 - (d) any other person detained in a prison, not being a person serving a sentence imposed on conviction of an offence.
- (6) Rules made under this section may provide for the temporary release of persons serving a sentence of imprisonment, corrective training, preventive detention, or Borstal training.
- (7) Section twenty-three of the Peterhead Harbour of Refuge Act, 1886, in so far as it confers power to order the infliction of corporal punishment, shall cease to have effect, and no prisoner detained in Peterhead Prison shall be liable to corporal punishment.

54 Constitution and functions of visiting committees

- (1) Rules made under the last foregoing section shall provide for the constitution, for prisons, of visiting committees appointed, at such times, in such manner, for such periods and by such county and town councils as may be prescribed by the rules.
- (2) Rules made as aforesaid shall secure that any such visiting committee shall include such number of women as may be prescribed by the rules, and where a number less than the prescribed number is appointed by the said councils the Secretary of State may appoint such number of women as may be necessary to bring the number appointed by the councils up to the number prescribed.
- (3) The Secretary of State shall appoint for every remand centre, detention centre and Borstal institution a visiting committee of which not less than two members shall be burgh magistrates or justices of the peace and not less than such number of members as may be prescribed by the rules shall be women.
- (4) Rules made as aforesaid shall prescribe, the functions of visiting committees, and shall among other things require the members to pay frequent visits to the prison, remand centre, detention centre or Borstal institution, as the case may be, and hear any complaints which may be made by the persons detained therein and report to the Secretary of State any matter which they consider it expedient to report; and any member of a visiting committee may at any time enter the prison, remand centre, detention centre or Borstal institution, as the case may be, and shall have free access to every part thereof and to every person detained therein.
- (5) Rules made as aforesaid may require the visiting committee appointed for any prison or Borstal institution to consider periodically the character, conduct and prospects of each of the persons sentenced to corrective training, preventive detention or Borstal training who is detained therein, and to report to the Secretary of State on the advisability of his release on licence or under supervision.
- (6) The Secretary of State may pay—
- (a) to the members of any visiting committee appointed under or in pursuance of this section such allowances in respect of loss of earnings or travelling or subsistence or other expenses necessarily suffered or incurred in the performance of their duties; and
 - (b) to the officers of any such committee such remuneration (whether by way of salary or fees) and such allowances in respect of travelling or subsistence expenses,

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as the Secretary of State may with the consent of the Treasury determine.

55 Amendment of Prisons (Scotland) Act, 1860 as to introduction of prohibited articles

For the purposes of section seventy-five of the Prisons (Scotland) Act, 1860 (which relates to the introduction of prohibited articles into prisons) a person shall be deemed to introduce an article into a prison if he conveys it to a prisoner outside the prison, or deposits it at any place outside the prison with intent that it shall come into the possession of a prisoner.