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STATUTORY INSTRUMENTS

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**1998 No. 2251**

**The High Court of Justiciary (Proceedings in the Netherlands) (United Nations) Order 1998**

**Modification of enactments relating to prisons**

**16.**—(1) The following provisions of the Prisons (Scotland) Act 1989<sup>(1)</sup> shall not apply, namely—

- section 3(2) (appointment of chaplains),
- section 7 (powers of inspection of prisons),
- section 8 (visiting committees),
- section 9 (appointment of prison ministers),
- sections 36 to 38 (provisions relating to acquisition and disposal of prisons and land),
- sections 40 and 40A (persons unlawfully at large),
- section 41 (prohibited articles), and
- section 41A (search by authorised employee).

(2) Section 3A of that Act (medical services) shall have effect as if any reference to a registered medical practitioner included a reference to any person in the Netherlands holding any diploma, certificate or other evidence of formal qualification entitled to recognition under Article 2 of Council Directive 93/16 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications<sup>(2)</sup>.

(3) Section 34 of that Act (notification of death of prisoner) shall have effect as if—

- (a) the reference to the procurator fiscal were a reference to the Lord Advocate; and
- (b) the reference to the visiting committee were omitted.

(4) The following provisions of the Prisons and Young Offenders Institutions (Scotland) Rules 1994<sup>(3)</sup> shall not apply, namely—

- (a) rules 36 to 38 (chaplains, visiting ministers and religious services);
- (b) rule 71 (provision of work for remand prisoners);
- (c) rules 104 to 110 (complaints);
- (d) Part 13 (transfer and discharge of prisoners);
- (e) Part 16 (visiting committees),

and, in applying the remainder of the Rules, the Governor may make such adaptations of the prisons regime as appear to him to be necessary, having regard to the circumstances of the premises of the court and of the persons confined there.

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<sup>(1)</sup> 1989 c. 45.

<sup>(2)</sup> OJ L165, 7.7.1993, p. 1.

<sup>(3)</sup> S.I.1994/1931, as amended by S.I. 1996/32, 1197/2007 and 1998/1589.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(5) Section 10 of the Prisons (Scotland) Act 1989 (place of confinement of prisoners) and Schedule 1 to the Crime (Sentences) Act 1997<sup>(4)</sup> (transfer of prisoners) shall not apply to the accused while they are confined in the premises of the court for the purpose of proceedings conducted by virtue of this Order.

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<sup>(4)</sup> 1997 c. 43.