
DIRECTIONS

Prisons (Scotland) Act 1989 (Committal of Prisoners) Direction 2024

Made - - - -

12 March 2024

The Scottish Ministers make the following Direction in exercise of the powers conferred by section 10(2) of the Prisons (Scotland) Act 1989(a) and all other powers enabling them to do so.

Citation, commencement and application

1. This Direction may be cited as the Prisons (Scotland) Act 1989 (Committal of Prisoners) Direction 2024 and comes into force on 17 March 2024.

Interpretation

2. In this Direction—

“the 1989 Act” means the Prisons (Scotland) Act 1989;

“the Contractor” means HMP Addiewell, Addiewell Prison Limited, Company Number SC291454;

“prisoner” does not include a young offender;

“young offender” means a person sentenced to detention in a young offenders institution.

Committal of male prisoners

3.—(1) For the purposes of section 10(2) of the 1989 Act a male prisoner must be committed, so far as is reasonably practicable, to the prison that is situated nearest to the court which orders the committal of that prisoner.

(2) For the purpose of sub-paragraph (1), a prison means any prison except—

(a) HMP Glenochil;

(b) HMP Castle Huntly;

(c) HMP Shotts;

(d) HMP Addiewell, but only at any time when the maximum number of prisoners specified in the Minute of Agreement between Scottish Ministers and the Contractor has been reached or exceeded.

Committal of female prisoners

4. For the purposes of section 10(2) of the 1989 Act a female prisoner must be committed to HMP and YOI Polmont, HMP and YOI Stirling, or HMP and YOI Grampian, and so far as is reasonably practicable, to whichever of those prisons is the prison situated nearest the court that orders the committal of that prisoner.

(a) 1989 c.45. Section 10 was substituted by the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9), section 22. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

Committal of young offenders

5.—(1) Subject to sub-paragraphs (2) and (3), for the purposes of section 10(2) of the 1989 Act(a), a young offender must be committed to—

(a) if a male young offender, HMP and YOI Polmont or HMP and YOI Grampian; or

(b) if a female young offender, HMP and YOI Polmont, HMP and YOI Stirling or HMP and YOI Grampian.

(2) Where a young offender is, at the time of committal, subject to detention in a young offenders institution by virtue of a committal previously made in connection with a sentence of detention in such an institution, that young offender must be committed to the institution in which the young offender was last detained before that young offender's appearance in respect of which the committal is being made.

(3) Paragraph (1) does not apply where the Scottish Ministers have directed that a young offender be detained in a prison under section 20A(2) of the 1989 Act.

Revocation of previous direction

6. The Prisons (Scotland) Act 1989 (Committal of Prisoners) (No. 2) Direction 2023 made on 14 June 2023 is revoked.

This direction consisting of this and the preceding page is subscribed as follows—

It is signed for and on behalf of the Scottish Prison Service, an executive agency of the Scottish Ministers at Edinburgh on 12 March 2024 by Teresa Medhurst, Chief Executive before this witness, Rachael Walker, Senior Legal Services Manager at One Lochside, 1 Lochside Avenue, Edinburgh, EH12 9DJ.

For the Scottish Prison Service:



Witness:



(a) Section 10 applies to remand centres and young offenders institutions by virtue of section 19(4) of the 1989 Act. Section 19(4) was amended by S.S.I. 2015/39.

