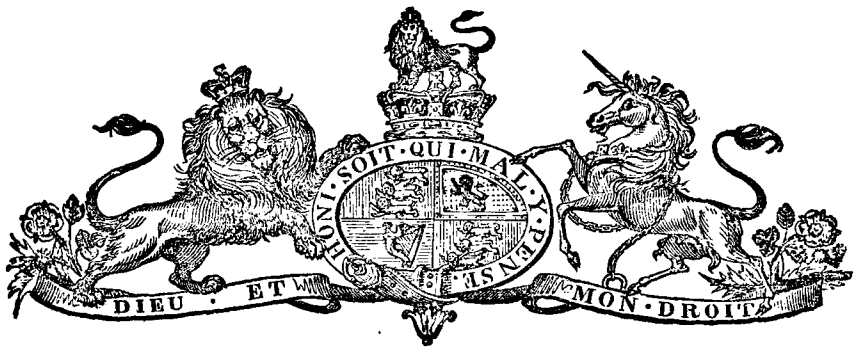


ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. XXVII.

An Act to amend certain Acts for the Improvement of Prisons and Prison Discipline in *Scotland*.

[24th *July* 1851.]

WHEREAS an Act was passed in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to improve Prisons and Prison Discipline in* Scotland; and another Act was passed in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to amend and continue, until the First Day of* September *One thousand eight hundred and sixty-one, and to the End of the then next Session of Parliament, the Law with respect to Prisons and Prison Discipline in* Scotland: And whereas it was by the said Second Act enacted, that the said First Act as amended by the said Second Act should continue in force until the First Day of *January* One thousand eight hundred and sixty-one, and from thence to the End of the then next Session of Parliament: And whereas it is expedient that the said Acts should be altered and amended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

2 & 3 Vict. c. 42.

7 & 8 Vict. c. 34.

I. That

Recited Acts, as amended, and this Act, to be held as One Act.

I. That the said recited Acts, as hereby amended, and this Act, shall continue and be in force during the Period granted by the said last-recited Act, and shall be held and construed as if the same formed One Act.

Repeal of Appointment of Lord Justice General and Lord Justice Clerk to be Members of General Board.

II. That, seeing that Actions may be brought before the Court of Session in which the General Board may eventually be a Party, and it is inexpedient that any Judge of the said Court should be a Member of the General Board, so much of the said first-recited Act as appoints the Lord Justice General in *Scotland* and the Lord Justice Clerk for the Time being to be Members of the General Board of Directors of Prisons in *Scotland* shall be and the same is hereby repealed, and the Lord Justice General and Lord Justice Clerk respectively shall hereafter cease to be Members of the said General Board accordingly.

Lands contiguous to Prisons may be acquired, and Act 8 & 9 Vict. c. 19. incorporated.

III. That it shall be lawful for any County Prison Board, subject to the Provisions of the said recited Acts, to purchase, take, and acquire such Lands contiguous to any Prison as shall by such County Prison Board be deemed necessary for the Purposes of enlarging or rendering more commodious any such Prison; and to enable such County Prison Board to purchase, take, and acquire such Lands, "The Lands Clauses Consolidation (*Scotland*) Act, 1845," in so far as applicable to and not inconsistent with, or not otherwise provided for, or not altered and varied by, this or the said recited Acts, shall be incorporated with and form Part of this Act; and the Words "Promoters of the Undertaking" in the said Lands Clauses Consolidation Act shall apply to and include any County Prisons Board seeking to acquire Lands under this Act.

Accounts to be published.

IV. That the Prison Board of each County shall publish detailed Accounts of their Revenue and Expenditure under and for the Purposes of the said recited Acts and this Act within the First Week of *September* in every Year, which Accounts shall be printed, and a Copy thereof be furnished to the Commissioners of Supply of the County and to the Town Councils of the Burghs situated therein.

Magistrates of certain Burghs or Places may commit Prisoners to any Gaol within the County.

V. That where, within the Limits of any Burgh or Place being a "Burgh" in the Sense of an Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled *An Act to make more effectual Provision for regulating the Police of Towns and populous Places in* Scotland, *and for paving, draining, cleansing, lighting, and improving the same*, or where, within any Burgh which has adopted an Act passed in the Session of Parliament holden in the Third and Fourth Years

Years of the Reign of King *William* the Fourth, intituled *An Act to enable Burghs in* Scotland *to establish a general System of Police*, there shall be no legal Prison, or no Prison with adequate Accommodation, it shall be competent and lawful to the Police Magistrate or Magistrates of any Burgh acting under the said last-recited Acts or either of them to commit Prisoners to any Gaol within the County in which any such Burgh is situated, or is by the said recited Act of the Thirteenth and Fourteenth Years of Her present Majesty held to be situated, in such and the like Manner as such Magistrate or Magistrates would have been entitled to commit Prisoners to the Gaol of such Burgh if there had been a Gaol therein, and under the like Rights and Liabilities as to the Maintenance of such Prisoners, and the Officers of such Magistrates shall have Power to carry the Prisoners to such Gaol.

Juvenile Male Offenders may be punished by private Whipping.

VI. That in every Case where it is at present competent for any Judge or Magistrate to award Sentence of Imprisonment or of Fine, with the Alternative of Imprisonment, it shall be lawful for such Judge or Magistrate in the Case of any Juvenile Offender, being a Male, whose Age, in the Opinion of such Judge or Magistrate, shall not exceed Fourteen Years, to adjudge such Offender, instead of Imprisonment, or of Imprisonment and Hard Labour, or in addition to Imprisonment, or Imprisonment and Hard Labour, to be punished by private Whipping in such Manner and according to such Regulations as shall be made by the Lord Advocate of *Scotland* in that Behalf, and sanctioned by One of Her Majesty's Principal Secretaries of State, anything in any Act of Parliament to the contrary notwithstanding.

Sentence of Imprisonment may be accompanied with Hard Labour, and Rules in respect thereof to be made, and to be approved of by One of Her Majesty's Principal Secretaries of State.

VII. That in all Cases in which a Sentence of Imprisonment may be awarded for any Crime or Offence by any Criminal Court in *Scotland*, it shall be competent for such Court to insert in such Sentence of Imprisonment an Order that such Imprisonment shall, during the whole or any Part of the Term thereof, be accompanied with Hard Labour, and such Imprisonment shall in every Case of such Order be so accompanied accordingly; and it shall be competent to the General Board, from Time to Time as they shall see Occasion, to make and submit to One of Her Majesty's Principal Secretaries of State Rules as to the Mode of carrying out such Sentences of Hard Labour; and it shall be lawful for such Secretary of State, if he shall think fit, to alter such Rules, and to make additional Rules, and he shall grant a Certificate that such Rules as submitted to him, or altered or added to, are proper to be observed and enforced, and upon such Certificate being granted such Rules shall be by the Secretary of State transmitted to the General

General Board, and shall be effectual; and such Rules shall be entered in the Record of their Proceedings which by the said first-recited Act the General Board are directed to keep; and such Rules shall also be contained in the Annual Report made for the Year in which the same are certified and transmitted as aforesaid, which by the Provisions of the said first-recited Act the General Board are directed to make and transmit to One of Her Majesty's Principal Secretaries of State, and whereof a Copy is by the said Act directed to be laid before both Houses of Parliament.

County Prison Boards may cause Sentences of Imprisonment (subject to Rules of General Board, &c.) to be accompanied with Hard Labour.

VIII. That in all Cases in which a Sentence of Imprisonment for any Period not exceeding Two Months shall be awarded for any Crime or Offence by any Criminal Court in *Scotland*, and in all Cases in which the enforcing proper Discipline upon Criminals undergoing Imprisonment shall seem to them to require it, it shall be competent for each County Prison Board, subject to the Directions of the General Board, and subject also to any Rules which may be certified by the Secretary of State as aforesaid, to cause such Imprisonment, during the whole or any Part of the Term thereof, to be accompanied with Hard Labour.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1851.