POLICY NOTE

THE DISCONTINUANCE OF LEGALISED POLICE CELLS (SCOTLAND) RULES 2015

SSI 2015/324

1. The above instrument formally discontinues the Legalised Police Cells (LPCs) at Dunoon, Oban, Lochmaddy and Thurso and Campbeltown.

2. These rules revoke rules made under the Prisons (Scotland) Act 1877 which declared police cells in Dunoon, Oban, Lochmaddy and Thurso to be legal prisons for the detention of prisoners and a rule made under sections 14 and 39 of the Prisons (Scotland) Act 1989 which declared police cells in Campbeltown to be legal prisons for the detention of prisoners.

3. The instrument is subject to negative resolution procedure, and comes into force on 8 October 2015. The discontinuance rules are the formal legal act required to reflect that the aforementioned LPCs Cells will cease to operate.

Policy Objective

4. Her Majesty's Chief Inspector of Prisons for Scotland (HMCIPS) has a duty to inspect LPCs and to report on the conditions and treatment of prisoners under section 7 of the 1989 Act. In a report published in December 2011, HMCIPS recommended that the LPCs in Lochmaddy, Thurso, Campbeltown, Oban and Dunoon be discontinued. The discontinuance of 5 of the 9 LPCs was recommended largely or solely as a result of their lack of use for prison custodies.

Impact Assessment

5. Equality and Human Rights Impact Assessment was carried out and no potential for unlawful discrimination or adverse impact or breach of human rights articles has been identified.

Consultation

6. There has been consultation with Police Authorities, who in turn consulted with stakeholders which included local Sheriff and Procurator Fiscal Services.

Financial Effect

7. The Cabinet Secretary for Justice confirms that no Business and Regulatory Impact Assessment is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Prison Service
September 2015