



# Prison Security Act 1992

## 1992 CHAPTER 25

**E+W**

An Act to make provision for an offence of prison mutiny and for a new offence and new penalties in connection with escapes from prison. [16th March 1992 ]

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, as follows:—

### Commencement Information

**II** Act wholly in force at 16.05.1992. see s. 3(2).

## **1** Offence of prison mutiny. **E+W**

- (1) Any prisoner who takes part in a prison mutiny shall be guilty of an offence and liable, on conviction on indictment, to imprisonment for a term not exceeding ten years or to a fine or to both.
- (2) For the purposes of this section there is a prison mutiny where two or more prisoners, while on the premises of any prison, engage in conduct which is intended to further a common purpose of overthrowing lawful authority in that prison.
- (3) For the purposes of this section the intentions and common purpose of prisoners may be inferred from the form and circumstances of their conduct and it shall be immaterial that conduct falling within subsection (2) above takes a different form in the case of different prisoners.
- (4) Where there is a prison mutiny, a prisoner who has or is given a reasonable opportunity of submitting to lawful authority and fails, without reasonable excuse, to do so shall be regarded for the purposes of this section as taking part in the mutiny.

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*Changes to legislation: Prison Security Act 1992 is up to date with all changes known to be in force on or before 23 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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(5) Proceedings for an offence under this section shall not be brought except by or with the consent of the Director of Public Prosecutions.

(6) In this section—

“conduct” includes acts and omissions;

“prison” means any prison, young offender institution or remand centre which is under the general superintendence of, or is provided by, the Secretary of State under the <sup>M1</sup>Prison Act 1952, including a contracted out prison within the meaning of Part IV of the <sup>M2</sup>Criminal Justice Act 1991;

“prisoner” means any person for the time being in a prison as a result of any requirement imposed by a court or otherwise that he be detained in legal custody.

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**Marginal Citations**

**M1** 1952 c. 52.

**M2** 1991 c. 53.

## 2 Offences relating to escape. **E+W**

(1) In section 39 of the Prison Act 1952 (offence of assisting prisoner to escape)—

(a) after the word “prisoner”, in the third place where it occurs, there shall be inserted the words “ sends any thing (by post or otherwise) into a prison or to a prisoner ”; and

(b) for the words “five years” there shall be substituted the words “ ten years ”.

(2) In section 22(2)(b) of the <sup>M3</sup>Criminal Justice Act 1961 (penalty on indictment for harbouring or assisting a person unlawfully at large), for the words “two years” there shall be substituted the words “ ten years ”.

(3) In that Act of 1961, section 22(1) and the entry in Schedule 4 relating to section 39 of the Prison Act 1952 (which increased from two years to five years the maximum term of imprisonment for an offence under section 39) are hereby repealed.

(4) This section shall not affect the penalty for any offence committed before the commencement of this Act.

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**Marginal Citations**

**M3** 1961 c. 39

## 3 Short title, commencement and extent. **E+W**

(1) This Act may be cited as the Prison Security Act 1992.

(2) This Act shall come into force at the end of the period of two months beginning with the day on which it is passed.

(3) This Act extends to England and Wales only.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 1(6) by [2000 c. 43 Sch. 7 para. 115](#)