



Prisoners (Return to Custody) Act 1995

1995 CHAPTER 16

1 Remaining at large after temporary release.

- (1) Subject to subsection (2) below, a person who has been temporarily released in pursuance of rules made under section 47(5) of the ^{M1}Prison Act 1952 (rules for temporary release) is guilty of an offence if—
- (a) without reasonable excuse, he remains unlawfully at large at any time after becoming so at large by virtue of the expiry of the period for which he was temporarily released; or
 - (b) knowing or believing an order recalling him to have been made and while unlawfully at large by virtue of such an order, he fails, without reasonable excuse, to take all necessary steps for complying as soon as reasonably practicable with that order.

^{F1}(1A)

- (2) Subsection (1) above shall not apply in the case of a person temporarily released from a secure training centre [^{F2} or secure college].

[^{F3}(3) A person guilty of an offence under this section is liable—

- (a) on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine (or both), and
- (b) on summary conviction to imprisonment for a term not exceeding [^{F4}the general limit in a magistrates' court] or a fine (or both).]

- (4) An offence under this section shall be taken to be committed at the place where the offender was required to be detained immediately before being temporarily released.
- (5) A person shall be deemed for the purposes of this section to be unlawfully at large whenever he is deemed to be so at large for the purposes of section 49 of the ^{M2}Prison Act 1952 (which confers powers of arrest).
- (6) This section shall not apply where the period of temporary release expired, or the order of recall was made, before the commencement of this section.

Changes to legislation: There are currently no known outstanding effects for the Prisoners (Return to Custody) Act 1995, Section 1. (See end of Document for details)

[^{F5}(7) In relation to an offence committed before [^{F6}2 May 2022], the reference in subsection (3)(b) to [^{F7}the general limit in a magistrates' court] is to be read as a reference to 6 months.

(8) In relation to an offence committed before section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force, the reference in subsection (3) (b) to a fine is to be read as a reference to a fine not exceeding the statutory maximum.]

Textual Amendments

- F1** S. 1(1A) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 7**; S.I. 2012/2906, art. 2(h)
- F2** Words in s. 1(2) inserted (20.3.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 9 para. 11**; S.I. 2015/778, art. 2(1)(c)
- F3** S. 1(3) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 13(2)**, 95(1) (with s. 13(4)); S.I. 2015/778, art. 3, Sch. 1 para. 9
- F4** Words in s. 1(3)(b) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**
- F5** S. 1(7)(8) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 13(3)**, 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 9
- F6** Words in s. 1(7) substituted (28.4.2022) by The Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022 (S.I. 2022/500), regs. 1(2), 5(1), **Sch. Pt. 1**
- F7** Words in s. 1(7) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**

Marginal Citations

- M1** 1952 c. 52.
M2 1952 c. 52.

Changes to legislation:

There are currently no known outstanding effects for the Prisoners (Return to Custody) Act 1995, Section 1.