



Serious Crime Act 2015

2015 CHAPTER 9

PART 6

MISCELLANEOUS AND GENERAL

Miscellaneous

79 Throwing articles into prisons

After section 40CA of the Prison Act 1952 (inserted by section 78 above) insert—

“40CB Throwing articles into prison

- (1) A person who, without authorisation, throws any article or substance into a prison is guilty of an offence.
- (2) For the purposes of subsection (1)—
 - (a) the reference to an article or substance does not include a reference to a List A article, a List B article or a List C article (as defined by section 40A);
 - (b) the reference to “throwing” an article or substance into a prison includes a reference to doing anything from outside the prison that results in the article or substance being projected or conveyed over or through a boundary of the prison so as to land inside the prison.
- (3) In proceedings for an offence under this section it is a defence for the accused to show that—
 - (a) he reasonably believed that he had authorisation to do the act in respect of which the proceedings are brought, or
 - (b) in all the circumstances there was an overriding public interest which justified the doing of that act.
- (4) A person guilty of an offence under subsection (1) is liable—

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2015, Section 79. (See end of Document for details)

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine (or both);
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine (or both).
- (5) In this section “authorisation” means authorisation given for the purposes of this section; and subsections (1) to (3) of section 40E apply in relation to authorisations so given as they apply to authorisations given for the purposes of section 40D.”

Commencement Information

II S. 79 in force at 10.11.2015 by [S.I. 2015/1809](#), **reg. 3**

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