



# Criminal Justice Act 1961

1961 CHAPTER 39 9 and 10 Eliz 2

## PART II

TREATMENT AND SUPERVISION OF PRISONERS AND OTHER DETAINED PERSONS

### *Miscellaneous*

#### 23 Prison Rules.

(1) For the purposes of rules under section forty-seven of the <sup>M1</sup>Prison Act 1952 (which authorises the making of rules for the regulation and management of prisons and the discipline and control of persons required to be detained therein) any offence against the rules committed by a prisoner may be treated as committed in the prison in which he is for the time being confined.

(2) Without prejudice to any power to make provision by rules under the said section forty-seven for the confiscation of money or articles conveyed or deposited in contravention of the said Act or of the rules, provision may be made by such rules for the withholding from prisoners (subject to such exceptions as may be prescribed by the rules) of any money or other article sent to them [<sup>F1</sup>by post], and for the disposal of any such money or article either by returning it to the sender (where the sender's name and address are known) or in such other manner as may be prescribed by or determined under the rules:

Provided that in relation to a prisoner committed to prison in default of payment of any sum of money, the rules shall provide for the application of any money withheld as aforesaid in or towards the satisfaction of the amount due from him unless, upon being informed of the receipt of the money, he objects to its being so applied.

(3) A prisoner who would, apart from this subsection, be discharged on any of the days to which this subsection applies in his case shall [<sup>F2</sup>(subject to subsection (3B))] be discharged on the next preceding day which is not one of those days.

[<sup>F3</sup>The days] to which this subsection applies are Sunday, Christmas Day, Good Friday and any day which under the <sup>M2</sup>Bank Holidays Act 1871 is a bank holiday in England

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and Wales and, in the case of a person who is serving a term of more than [<sup>F4</sup>five days], any Saturday.

<sup>F5</sup>(3A) .....

[<sup>F6</sup>(3B) The Secretary of State may direct that a prisoner who would, apart from this subsection, be discharged on a working day immediately before a non-working day, must instead be discharged on a day referred to in subsection (3C).

(3C) The days are—

- (a) the last eligible working day before the day on which the prisoner would otherwise be discharged;
- (b) the last eligible working day before that eligible working day.

(3D) In this section—

“eligible working day” means a working day that is not immediately followed by a non-working day;

“non-working day” means—

- (a) a Saturday or Sunday, Christmas Day, or Good Friday, or
- (b) any day that is a bank holiday under section 1 of the Banking and Financial Dealings Act 1971 in England and Wales;

“working day” means a day that is not a non-working day.]

(4) In this section the references to prisons and prisoners include references respectively to [<sup>F7</sup>a young offender institution][<sup>F8</sup>, a secure college][<sup>F9</sup>secure training centres] and remand centres and to persons detained therein.

[<sup>F10</sup>(5) In subsections (3), (3B) and (3C), the references to a prisoner also include references to a person detained in—

- (a) a secure children’s home, or
- (b) a secure 16 to 19 Academy,

in pursuance of a sentence or order referred to in section 163(1) of the Police, Crime, Sentencing and Courts Act 2022.

(6) In subsection (5)—

“secure children’s home” means—

- (a) a children’s home in England, within the meaning given in section 1 of the Care Standards Act 2000, which provides accommodation for the purposes of restricting liberty;
- (b) residential premises in Wales which provide a secure accommodation service, within the meaning given in Part 1 of the [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#);

“secure 16 to 19 Academy” has the meaning given in section 1B of the Academies Act 2010.]

#### Textual Amendments

**F1** Words in s. 23(2) substituted (26.3.2001) by [S.I. 2001/1149](#), art. 3(1), [Sch. 1 para. 17](#)

**F2** Words in s. 23(3) inserted (12.12.2023) by [Offenders \(Day of Release from Detention\) Act 2023 \(c. 25\)](#), [ss. 1\(2\)](#), 3(3); [S.I. 2023/1329](#), reg. 2

**F3** Words in s. 23(3) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 2\(a\)](#); [S.I. 2012/2906](#), art. 2(h)

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- F4** Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 14 para. 10(a)**
- F5** S. 23(3A) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 10 para. 2(b)**; S.I. 2012/2906, art. 2(h)
- F6** S. 23(3B)-(3D) inserted (12.12.2023) by [Offenders \(Day of Release from Detention\) Act 2023 \(c. 25\)](#), **ss. 1(3)**, 3(3); S.I. 2023/1329, reg. 2
- F7** Words in Act substituted (1.10.1988) by [Criminal Justice Act 1988 \(c. 33\)](#), **Sch. 8 para. 1**
- F8** Words in s. 23(4) inserted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 9 para. 6**; S.I. 2015/778, art. 2(1)(c)
- F9** Words in s. 23(4) inserted (3.2.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 11**; S.I. 1995/127, art. 2(1), **Sch. Appendix B**
- F10** S. 23(5)(6) inserted (12.12.2023) by [Offenders \(Day of Release from Detention\) Act 2023 \(c. 25\)](#), **ss. 1(4)**, 3(3); S.I. 2023/1329, reg. 2

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**Modifications etc. (not altering text)**

- C1** S. 23(3) excluded (1.9.2001) by 2001 c. 17, s. 42, **Sch. 7 para. 2(1)(c)**; S.I. 2001/2161, **art. 2**

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**Marginal Citations**

- M1** 1952 c. 52.  
**M2** 1871 c. 17.

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

- s. 23(4) words substituted by [2000 c. 43 Sch. 7 para. 33](#)