



Criminal Justice Act 1948

1948 CHAPTER 58

PART II

ADMINISTRATIVE PROVISIONS AND PROVISIONS AS TO TREATMENT OF PRISONERS, ETC.

Rules for Management of Prisons, Etc.

52 Rules for the management of prisons, remand centres, detention centres, attendance centres and Borstal institutions.

- (1) The Secretary of State may make rules for the regulation and management of prisons, remand centres, detention centres, attendance centres and Borstal institutions respectively, and for the classification, treatment, employment, discipline and control of persons required to be detained therein.
- (2) Rules made under this section shall make provision for ensuring that a person who is charged with any offence under the rules shall be given a proper opportunity of presenting his case.
- (3) Rules made under this section may provide for the training of particular classes of persons and their allocation for that purpose to any prison or other institution in which they may lawfully be detained.
- (4) Rules made under this section shall provide for the special treatment of the following persons whilst required to be detained in a prison, that is to say—
 - (a) any person serving a sentence of preventive detention;
 - (b) any person serving a sentence on conviction of sedition, seditious conspiracy or seditious libel;
 - (c) any appellant within the meaning of the Criminal Appeal Act, 1907, pending the determination of his appeal;
 - (d) any other person detained in a prison, not being a person serving a sentence or a person imprisoned in default of payment of a sum adjudged to be paid by him on his conviction.

53 Constitution and functions of visiting committees and boards of visitors.

- (1) Rules made under the last foregoing section shall provide for the constitution, for prisons to which persons may be committed directly by a court, of visiting committees consisting of justices of the peace appointed, at such times, in such manner and for such periods as may be prescribed by the rules, by such courts of quarter sessions for counties or benches of magistrates for boroughs as the Secretary of State may by order direct.
- (2) The Secretary of State shall appoint for every prison other than a prison mentioned in subsection (1) of this section and for every remand centre, detention centre and Borstal institution a board of visitors of whom not less than two shall be justices of the peace.
- (3) Rules made as aforesaid shall prescribe the functions of visiting committees and boards of visitors, and shall among other things require the members to pay frequent visits to the prison, remand centre, detention centre or Borstal institution, as the case may be, and hear any complaints which may be made by the persons detained therein and report to the Secretary of State any matter which they consider it expedient to report; and any member of a visiting committee or board of visitors may at any time enter the prison, remand centre, detention centre or Borstal institution, as the case may be, and shall have free access to every part thereof and to every person detained therein.
- (4) Rules made as aforesaid may require the board of visitors appointed for any prison or Borstal institution to consider periodically the character, conduct and prospects of each of the persons sentenced to corrective training, preventive detention or Borstal training who is detained therein, and to report to the Prison Commissioners on the advisability of his release on licence or under supervision.

54 Corporal punishment in prisons.

- (1) Except as provided by this section, corporal punishment shall not be inflicted in any prison or institution for which rules may be made under section fifty-two of this Act.
- (2) Rules made as aforesaid may authorise the infliction of corporal punishment for mutiny, incitement to mutiny, or gross personal violence to an officer of a prison when committed by a male person serving a sentence of imprisonment, corrective training or preventive detention.
- (3) The rules shall not authorise the infliction of corporal punishment except by order of the visiting committee or board of visitors, as the case may be, made at a meeting at which not more than five nor less than three members, at least two being justices of the peace, are present; and no such order shall be made except after an inquiry in which the evidence is given on oath:

Provided that the Secretary of State may, if he thinks fit in any particular case, direct that the functions exercisable as aforesaid by the visiting committee or board of visitors shall be exercised by a metropolitan police magistrate or stipendiary magistrate appointed in that behalf.

- (4) The punishment which may be inflicted under such an order as aforesaid shall not exceed—
 - (a) in the case of a person appearing to the visiting committee or board of visitors or magistrate to be not less than twenty-one years of age, eighteen strokes of a cat-o'-nine-tails or birch rod; or

- (b) in the case of a person appearing to them or him to be under that age, twelve strokes of a birch rod;
and if corporal punishment is inflicted, no further punishment by way of confinement in cells or restricted diet shall be imposed.
- (5) Where an order for the infliction of corporal punishment has been made under this section, a copy of the notes of the evidence given at the inquiry, a copy of the order and a statement of the grounds on which it was made shall forthwith be given to the Secretary of State; and the order shall be carried into effect only after confirmation by the Secretary of State, and, if the Secretary of State confirms the order with modifications, in accordance with the order as so modified.
- (6) A refusal by the Secretary of State to confirm such an order as aforesaid shall not prejudice any power to impose another punishment for the offence for which the order was made.
- (7) The Prison Commissioners shall include in their annual report particulars of every case in which an order for the infliction of corporal punishment has been made and of the grounds upon which the order was made.

55 Amendment of Prison Act, 1865, as to introduction of prohibited articles.

For the purposes of sections thirty-seven to thirty-nine of the Prison Act, 1865 (which relate to the conveyance of prohibited articles into or out of prisons) a person shall be deemed to convey or introduce an article into a prison if he conveys it to a prisoner outside the prison, or deposits it at any place outside the prison with intent that it shall come into the possession of a prisoner.