



Prison Act 1952

1952 CHAPTER 52

Central administration

1 General control over prisons

All powers and jurisdiction in relation to prisons and prisoners which before the commencement of the Prison Act, 1877 were exercisable by any other authority shall, subject to the provisions of this Act, be exercisable by the Secretary of State.

2 The Prison Commissioners

- (1) Her Majesty may, on the recommendation of the Secretary of State, by warrant under the sign manual appoint persons to be Commissioners during Her Majesty's pleasure for the purpose of assisting the Secretary of State in the performance of his functions relating to prisons.
- (2) The number of Commissioners so appointed shall not at any time exceed five.
- (3) There may be paid out of moneys provided by Parliament to the Commissioners so appointed such salaries as the Secretary of State may with the consent of the Treasury determine.
- (4) The Commissioners so appointed shall be a body corporate with power to hold land so far as may be necessary for the purposes of this Act and shall be called the Prison Commissioners.
- (5) The Secretary of State may appoint one of the Prison Commissioners to be their chairman.
- (6) Anything required or authorised to be done by the Prison Commissioners may, if the Secretary of State so directs either generally or in any special case, be done by any one or more of them.
- (7) The Prison Commissioners shall exercise their functions in accordance with any general or special directions of the Secretary of State.

3 Officers and servants of Prison Commissioners

- (1) The Secretary of State may appoint such inspectors and the Prison Commissioners may, with the approval of the Secretary of State, appoint such other officers and servants of the Prison Commissioners as the Secretary of State may, with the sanction of the Treasury as to number, determine.
- (2) There shall be paid out of moneys provided by Parliament to the inspectors and other officers and servants of the Prison Commissioners such salaries as the Secretary of State may with the consent of the Treasury determine.

4 General duties of Prison Commissioners

- (1) The Prison Commissioners shall have the general superintendence of prisons and shall make the contracts and do the other acts necessary for the maintenance of prisons and the maintenance of prisoners.
- (2) The Prison Commissioners, by themselves or their officers, shall visit all prisons and examine the state of buildings, the conduct of officers, the treatment and conduct of prisoners and all other matters concerning the management of prisons and shall ensure that the provisions of this Act and of any rules made under this Act are duly complied with.
- (3) The Prison Commissioners may exercise all powers and jurisdiction exercisable at common law, by Act of Parliament, or by charter by visiting justices of a prison.

5 Annual report of Prison Commissioners

- (1) The Prison Commissioners shall make to the Secretary of State an annual report on every prison and the Secretary of State shall lay the report before Parliament.
- (2) The report shall contain—
 - (a) a statement of the accommodation of each prison and the daily average and highest number of prisoners confined therein;
 - (b) such particulars of the work done by prisoners in each prison, including the kind and quantities of articles produced and the number of prisoners employed, as may in the opinion of the Secretary of State give the best information to Parliament;
 - (c) a statement of the punishments inflicted in each prison and of the offences for which they were inflicted, with particulars of every case in which an order for corporal punishment was made and of the grounds upon which it was made.

Visiting committees, and boards of visitors

6 Visiting committees and boards of visitors

- (1) Rules made under section forty-seven of this Act 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 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 members to pay frequent visits to the prison and hear any complaints which may be made by the prisoners 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 and shall have free access to every part of it and to every prisoner.
- (4) Rules made as aforesaid may require the board of visitors appointed for any prison to consider periodically the character, conduct and prospects of each of the prisoners sentenced to corrective training or preventive detention and to report to the Prison Commissioners on the advisability of his release on licence.

Prison officers

7 Prison officers

- (1) Every prison shall have a governor, a chaplain and a medical officer and such other officers as may be necessary.
- (2) Every prison in which women are received shall have a sufficient number of women officers; and if women only are received in a prison the governor shall be a woman.
- (3) A prison which in the opinion of the Secretary of State is large enough to require it may have a deputy governor or an assistant chaplain or both.
- (4) The chaplain and any assistant chaplain shall be a clergyman of the Church of England and the medical officer shall be duly-registered under the Medical Acts.
- (5) Governors, chaplains and medical officers shall be appointed by the Secretary of State and other officers by the Prison Commissioners.

8 Powers of prison officers

Every prison officer while acting as such shall have all the powers, authority, protection and privileges of a constable.

9 Exercise of office of chaplain

- (1) A person shall not officiate as chaplain of two prisons unless the prisons are within convenient distance of each other and are together designed to receive not more than one hundred prisoners.
- (2) Notice of the nomination of a chaplain or assistant chaplain to a prison shall, within one month after it is made, be given to the bishop of the diocese in which the prison is situate ; and the chaplain or assistant chaplain shall not officiate in the prison except under the authority of a licence from the bishop.

10 Appointment of prison ministers

- (1) Where in any prison the number of prisoners who belong to a religious denomination other than the Church of England is such as in the opinion of the Secretary of State to require the appointment of a minister of that denomination, the Secretary of State may appoint such a minister to that prison.
- (2) The Secretary of State may pay a minister appointed under the preceding subsection such remuneration as he thinks reasonable.
- (3) The Prison Commissioners may allow a minister of any denomination other than the Church of England to visit prisoners of his denomination in a prison to which no minister of that denomination has been appointed under this section.
- (4) No prisoner shall be visited against his will by such a minister as is mentioned in the last preceding subsection; but every prisoner not belonging to the Church of England shall be allowed, in accordance with the arrangements in force in the prison in which he is confined, to attend chapel or to be visited by the chaplain.
- (5) The governor of a prison shall on the reception of each prisoner record the religious denomination to which the prisoner declares himself to belong, and shall give to any minister who under this section is appointed to the prison or permitted to visit prisoners therein a list of the prisoners who have declared themselves to belong to his denomination; and the minister shall not be permitted to visit any other prisoners.

11 Ejection of prison officers and their families refusing to quit

- (1) Where any living accommodation is provided for a prison officer or his family by virtue of his office, then, if he ceases to be a prison officer or is suspended from office or dies, he, or, as the case may be, his family, shall quit the accommodation when required to do so by notice of the Prison Commissioners.
- (2) Where a prison officer or the family of a prison officer refuses or neglects to quit the accommodation forty-eight hours after the giving of such a notice as aforesaid, any two justices of the peace, on proof made to them of the facts authorising the giving of the notice and of the service of the notice and of the neglect or refusal to comply therewith, may, by warrant under their hands and seals, direct any constable, within a period specified in the warrant, to enter by force, if necessary, into the accommodation and deliver possession of it to the Prison Commissioners or any person appointed by them.

Confinement and treatment of prisoners

12 Place of confinement of prisoners

- (1) A prisoner, whether sentenced to imprisonment or committed to prison on remand or pending trial or otherwise, may be lawfully confined in any prison,
- (2) Prisoners shall be committed to such prisons as the Secretary of State may from time to time direct; and may by direction of the Secretary of State be removed during the term of their imprisonment from the prison in which they are confined to any other prison.

- (3) A writ, warrant or other legal instrument addressed to the governor of a prison and identifying that prison by its situation or by any other sufficient description shall not be invalidated by reason only that the prison is usually known by a different description.

13 Legal custody of prisoner

- (1) Every prisoner shall be deemed to be in the legal custody of the governor of the prison.
- (2) A prisoner shall be deemed to be in legal custody while he is confined in, or is being taken to or from, any prison and while he is working, or is for any other reason, outside the prison in the custody or under the control of an officer of the prison.

14 Cells

- (1) The Secretary of State shall satisfy himself from time to time that in every prison sufficient accommodation is provided for all prisoners.
- (2) No cell shall be used for the confinement of a prisoner unless it is certified by an inspector that its size, lighting, heating, ventilation and fittings are adequate for health and that it allows the prisoner to communicate at any time with a prison officer.
- (3) A certificate given under this section in respect of any cell may limit the period for which a prisoner may be separately confined in the cell and the number of hours a day during which a prisoner may be employed therein.
- (4) The certificate shall identify the cell to which it relates by a number or mark and the cell shall be marked by that number or mark placed in a conspicuous position; and if the number or mark is changed without the consent of an inspector the certificate shall cease to have effect.
- (5) An inspector may withdraw a certificate given under this section in respect of any cell if in his opinion the conditions of the cell are no longer as stated in the certificate.
- (6) In every prison special cells shall be provided for the temporary confinement of refractory or violent prisoners.

15 Separation of male and female prisoners

In a prison used for both men and women separate buildings or parts of a building shall be used for the men and for the women respectively so as to prevent the one from seeing or communicating with the other.

16 Photographing and measuring of prisoners

The Secretary of State may make regulations as to the measuring and photographing of prisoners and such regulations may prescribe the time or times at which and the manner and dress in which prisoners shall be measured and photographed and the number of copies of the measurements and photographs of each prisoner which shall be made and the persons to whom they shall be sent.

17 Painful tests

The medical officer of a prison shall not apply any painful tests to a prisoner for the purpose of detecting malingering or for any other purpose except with the permission of a Prison Commissioner or the visiting committee or, as the case may be, board of visitors.

18 Corporal punishment in prisons

- (1) Except as provided by this section, corporal punishment shall not be inflicted in any prison.
- (2) Rules made under section forty-seven of this Act 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 modifications.
- (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.

19 Right of justice to visit prison

- (1) A justice of the peace for any county or borough may at any time visit any prison in that county or borough and any prison in which a prisoner is confined in respect of an offence committed in that county or borough, and may examine the condition of the

prison and of the prisoners and enter in the visitors' book, to be kept by the governor of the prison, any observations on the condition of the prison or any abuses.

- (2) Nothing in the preceding subsection shall authorise a justice of the peace to communicate with any prisoner except on the subject of his treatment in the prison, or to visit any prisoner under sentence of death.
- (3) The governor of every prison shall bring any entry in the visitors' book to the attention of the visiting committee or the board of visitors at their next visit.

20 Duty of governor to deliver calendar of prisoners

The governor of every prison in which persons committed for trial before a court of assize or quarter sessions are confined shall deliver to that court a calendar of those persons.

21 Expenses of conveyance to prison

A prisoner shall not in any case be liable to pay the cost of his conveyance to prison.

22 Removal of prisoners for judicial and other purposes

- (1) Rules made under section forty-seven of this Act may provide in what manner an appellant within the meaning of the Criminal Appeal Act, 1907, when in custody, is to be taken to, kept in custody at, and brought back from, any place at which he is entitled to be present for the purposes of that Act, or any place to which the Court of Criminal Appeal or any judge thereof may order him to be taken for the purpose of any proceedings of that court.
- (2) The Secretary of State may—
 - (a) if he is satisfied that the attendance at any place in Great Britain of a person detained in England in a prison is desirable in the interests of justice or for the purposes of any public inquiry, direct him to be taken to that place;
 - (b) if he is satisfied that a person so detained requires medical or surgical treatment of any description, direct him to be taken to a hospital or other suitable place for the purpose of the treatment;

and where any person is directed under this subsection to be taken to any place he shall, unless the Secretary of State otherwise directs, be kept in custody while being so taken, while at that place, and while being taken back to the prison in which he is required in accordance with law to be detained.

23 Power of constable etc. to act outside his jurisdiction

For the purpose of taking a person to or from any prison under the order of any authority competent to give the order a constable or other officer may act outside the area of his jurisdiction and shall notwithstanding that he is so acting have all the powers, authority, protection and privileges of his office.

Length of sentence, release on licence and temporary discharge

24 Calculation of term of sentence

- (1) In any sentence of imprisonment the word " month " shall, unless the contrary is expressed, be construed as meaning calendar month.
- (2) A prisoner who but for this subsection would be discharged on a Sunday, Christmas Day or Good Friday, shall be discharged on the day next preceding.

25 Remission for good conduct and release on licence of persons sentenced to terms of imprisonment

- (1) Rules made under section forty-seven of this Act may make provision whereby, in such circumstances as may be prescribed by the rules, a person serving a sentence of imprisonment for such a term as may be so prescribed may be granted remission of such part of that sentence as may be so prescribed on the ground of his industry and good conduct, and on the discharge of a person from prison in pursuance of any such remission as aforesaid his sentence shall expire.
- (2) If it appears to the Prison Commissioners that a person serving a sentence of imprisonment was under the age of twenty-one years at the commencement of his sentence, they may direct that instead of being granted remission of his sentence under the rules he shall, at any time on or after the day on which he could have been discharged if the remission had been granted, be released on licence under the following provisions of this section.
- (3) A person released on licence under this section shall until the expiration of his sentence be under the supervision of such society or person as may be specified in the licence and shall comply with such other requirements as may be so specified:

Provided that the Prison Commissioners may at any time modify or cancel any such requirements.

- (4) If before the expiration of his sentence the Prison Commissioners are satisfied that a person released as aforesaid has failed to comply with any requirement for the time being specified in the licence, they may by order recall him to a prison; and thereupon he shall be liable to be detained in prison until the expiration of his sentence and, if at large, shall be deemed to be unlawfully at large.
- (5) The Prison Commissioners may release on licence a person detained in a prison under the last preceding subsection at any time before the expiration of his sentence; and subsections (3) and (4) of this section shall apply in the case of a person released under this subsection as they apply in the case of a person released under subsection (2) thereof.
- (6) Where the unexpired part of the sentence of a person released under subsection (2) of this section is less than six months, subsections (3) to (5) of this section shall apply to him subject to the following modifications—
 - (a) the period for which he is under supervision under subsection (3) and is liable to recall under subsection (4) shall be a period of six months from the date of his release under the said subsection (2);
 - (b) if he is recalled under subsection (4) the period for which he may be detained thereunder shall be whichever is the shorter of the following, that is to say—

- (i) the remainder of the said period of six months ;
 - or
 - (ii) the part of his sentence which was unexpired on the date of his release under the said subsection (2), reduced by any time during which he has been so detained since that date;
- and he may be released on licence under subsection (5) at any time before the expiration of that period.
- (7) For the purposes of this section, a person committed to prison in default of payment of a sum adjudged to be paid by a conviction shall be treated as undergoing a sentence of imprisonment for the term for which he is committed, and consecutive terms of imprisonment shall be treated as one term.

26 Release on licence of persons sentenced to corrective training or preventive detention

- (1) A person sentenced to corrective training or preventive detention shall be detained in a prison for the term of his sentence subject to his release on licence in accordance with the following provisions of this section, and while so detained shall be treated in such manner as may be prescribed by rules made under section forty-seven of this Act.
- (2) The Prison Commissioners may release on licence a person sentenced to corrective training or preventive detention after he has served such portion of his sentence as may be determined in accordance with rules made under the said section forty-seven :
- Provided that the Secretary of State may require the Prison Commissioners to release a person so sentenced at any time.
- (3) A person shall, after his release on licence under the last preceding subsection and until the expiration of his sentence, comply with such requirements as may be specified in the licence, including, if the Prison Commissioners think it expedient, a requirement that he shall be under the supervision of such society or person as may be so specified:
- Provided that the Prison Commissioners may at any time modify or cancel any of the said requirements.
- (4) If before the expiration of his sentence the Prison Commissioners are satisfied that a person released on licence under subsection (2) of this section has failed to comply with any requirement for the time being specified in the licence, they may by order recall him to a prison ; and thereupon he shall be liable to be detained in prison until the expiration of his sentence, and, if at large, shall be deemed to be unlawfully at large.
- (5) The Prison Commissioners may release on licence a person detained in a prison under the last preceding subsection at any time before the expiration of his sentence; and subsections (3) and (4) of this section shall apply in the case of a person released under this subsection as they apply in the case of a person released under subsection (2) thereof.
- (6) If a person while released on licence, or after he is recalled to a prison, as aforesaid, is sentenced by a court in any part of Great Britain to corrective training or preventive detention, the sentence by virtue of which he is on licence or has been recalled shall cease to have effect.

27 Release on licence of persons serving imprisonment for life

- (1) The Secretary of State may at any time if he thinks fit release on licence a person serving a term of imprisonment for life subject to compliance with such conditions, if any, as the Secretary of State may from time to time determine.
- (2) The Secretary of State may at any time by order recall to prison a person released on licence under this section, but without prejudice to the power of the Secretary of State to release him on licence again ; and where any person is so recalled his licence shall cease to have effect and he shall, if at large, be deemed to be unlawfully at large.

28 Power of Secretary of State to discharge prisoners temporarily on account of ill health

- (1) If the Secretary of State is satisfied that by reason of the condition of a prisoner's health it is undesirable to detain him in prison, but that, such condition of health being due in whole or in part to the prisoner's own conduct in prison, it is desirable that his release should be temporary and conditional only, the Secretary of State may, if he thinks fit, having regard to all the circumstances of the case, by order authorise the temporary discharge of the prisoner for such period and subject to such conditions as may be stated in the order.
- (2) Where an order of temporary discharge is made in the case of a prisoner not under sentence, the order shall contain conditions requiring the attendance of the prisoner at any further proceedings on his case at which his presence may be required.
- (3) Any prisoner discharged under this section shall comply with any conditions stated in the order of temporary discharge, and shall return to prison at the expiration of the period stated in the order, or of such extended period as may be fixed by any subsequent order of the Secretary of State, and if the prisoner fails so to comply or return, he may be arrested without warrant and taken back to prison.
- (4) Where a prisoner under sentence is discharged in pursuance of an order of temporary discharge, the currency of the sentence shall be suspended from the day on which he is discharged from prison under the order to the day on which he is received back into prison, so that the former day shall be reckoned and the latter shall not be reckoned as part of the sentence.
- (5) Nothing in this section shall affect the duties of the medical officer of a prison in respect of a prisoner whom, the Secretary of State does not think fit to discharge under this section.

*Discharged prisoners***29 Notification of address by discharged prisoners**

- (1) Where an order has been made under section twenty-two of the Criminal Justice Act, 1948 (which, as amended by this Act, requires a court in certain circumstances to order that a person shall for a period of twelve months be subject to the provisions of this section)—
 - (a) the offender shall, on his next discharge from prison and thereafter from time to time, inform the appointed society of his address in accordance with such instructions as may be given to him by or on behalf of the society;

- (b) if the offender fails to comply to the satisfaction of the appointed society with the aforesaid requirement to notify his address on his discharge, the society shall, and if he subsequently fails to keep the society informed of his address to their satisfaction the society may, give notice by registered post of the failure to the Commissioner of Police of the Metropolis, and shall use their best endeavours to inform the offender that the notice has been given; and as from the date on which any such notice has been given as aforesaid, the provisions of the First Schedule to this Act shall apply to the offender.
- (2) It shall be the duty of the governor of a prison on the discharge from prison of an offender against whom an order has been made under the said section twenty-two to serve upon him a notice stating the effect of the order.
- (3) The Secretary of State may by a direction in writing relieve an offender against whom an order has been made under the said section twenty-two of any requirement of this section or of the First Schedule to this Act; and any such direction may be made conditional upon the observance of such requirements as may be specified therein; and the Secretary of State may, if he is satisfied that any requirement so imposed has been contravened, cancel the direction.
- (4) In this section the expression " the appointed society" means a society appointed by the Prison Commissioners for the purposes of this section, being a society approved by the Secretary of State; and the Prison Commissioners may appoint a society either to act in all cases or to act in such cases or classes of cases as they may direct.

30 Certification of Discharged Prisoners Aid Societies

- (1) The Secretary of State may, after examining the rules of any society formed for the purpose of assisting by voluntary subscriptions discharged prisoners and after satisfying himself about the condition of the society, issue a certificate approving the society for the purposes of this Act.
- (2) The Secretary of State may for reasonable cause suspend or revoke any certificate granted by him under this section.

31 Allowance to discharged prisoner

When a prisoner is discharged from prison the Prison Commissioners may, on the recommendation of the visiting committee or board of visitors or otherwise, order a sum of money not exceeding two pounds to be paid by the governor to the prisoner or to the treasurer of a society certified under the last preceding section, on the governor receiving from the society an undertaking in writing, signed by the secretary, to apply the money for the benefit of the prisoner.

32 Expenses of return from prison of discharged prisoner

When a prisoner is discharged from prison the Prison Commissioners may provide him with the means of returning to his home either by paying his fare or in any other convenient manner; and where the prison from which he is discharged is situated outside the county, borough or place in which he was arrested, the Prison Commissioners shall pay the cost of his return to the place where he was arrested or to the place where he was convicted, whichever is nearer to the prison.

Provision, maintenance and closing of prisons

33 Power to provide prisons, etc.

- (1) The Secretary of State may with the approval of the Treasury alter, enlarge or rebuild any prison and build new prisons.
- (2) The Secretary of State may provide new prisons by declaring to be a prison any building or part of a building built for the purpose or vested in him or under his control.
- (3) A declaration under this section may with respect to the building or part of a building declared to be a prison make the same provisions as an order under the next following section may make with respect to an existing prison.
- (4) A declaration under this section may at any time be revoked by the Secretary of State.
- (5) A declaration under this section shall not be sufficient to vest the legal estate of any building in the Prison Commissioners.

34 Jurisdiction of sheriff, etc.

- (1) The transfer under the Prison Act, 1877 of prisons and of the powers and jurisdiction of prison authorities and of justices in sessions assembled and visiting justices shall not be deemed to have affected the jurisdiction of any sheriff or coroner or, except to the extent of that transfer, of any justice of the peace or other officer.
- (2) The Secretary of State may by order direct that, for the purpose of any enactment, rule of law or custom dependent on a prison being the prison of any county or place, any prison situated in that county or in the county in which that place is situated, or any prison provided by him in pursuance of this Act, shall be deemed to be the prison of that county or place.

35 Legal estate in prison

- (1) The legal estate in every prison and in all real and personal property belonging to a prison shall be vested in the Prison Commissioners.
- (2) The Prison Commissioners shall not dispose of the legal estate in any property vested in them by virtue of this section except in accordance with directions given to them by the Secretary of State with the consent of the Treasury.

36 Acquisition of land for prisons

- (1) The Prison Commissioners may, with the consent of the Secretary of State, purchase by agreement, or may be authorised by the Secretary of State to purchase compulsorily, any land required for the alteration, enlargement or rebuilding of a prison or for establishing a new prison or for any other purpose connected with the management of a prison (including the provision of accommodation for officers or servants employed in a prison).
- (2) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory purchase of land by the Prison Commissioners under this section and for that purpose shall have effect as if the Prison Commissioners were a local authority, as

if this Act had been in force immediately before the commencement of that Act, and as if references in that Act to a Minister included references to the Secretary of State.

- (3) In relation to the purchase of land by agreement under this section, the Lands Clauses Acts (except the provisions relating to the purchase of land otherwise than by agreement and the provisions relating to access to the special Act, and except sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845) shall be incorporated with this section, and in construing those Acts as so incorporated this section shall be deemed to be the special Act and references to the promoters of the undertaking shall be construed as references to the Prison Commissioners.

37 Closing of prisons

- (1) Subject to the next following subsection, the Secretary of State may by order close any prison.
- (2) Where a prison is the only prison in the county, the Secretary of State shall not make an order under this section in respect of it except for special reasons, which shall be stated in the order.
- (3) In this section the expression " county " means a county at large.
- (4) For the purposes of this and the next following section a prison shall not be deemed to be closed by reason only of its appropriation for use as a remand centre, detention centre or Borstal institution.

38 Re-conveyance of closed prisons

- (1) Where a prison existing before the first day of April, eighteen hundred and seventy-eight is closed, the Secretary of State shall serve notice on the appropriate authority that he will, if the authority so requests within such period, not being less than six months, from the service of the notice as may be stated in the notice, cause the prison to be conveyed to the authority on payment by them into the Exchequer of an amount calculated in accordance with subsections (4) and (5) of this section together with an amount equal to the compensation, if any, which the authority to which the prison belonged immediately before the commencement of the Prison Act, 1877, may have received, out of moneys provided by Parliament in respect of their having provided a prison more than adequate for the accommodation of the prisoners belonging to them.
- (2) Where the appropriate authority does not request as aforesaid or fails to pay or to secure to the satisfaction of the Secretary of State the payment of the amounts mentioned in the preceding subsection, the Secretary of State shall cause the prison to be sold and shall apply the proceeds, after deducting the expenses of the sale, by paying into the Exchequer the amounts mentioned in the preceding subsection and by paying the balance, if any, to the appropriate authority.
- (3) For the purposes of this section the appropriate authority may borrow, and the Public Works Loan Commissioners may lend to the authority, at such rate of interest as the Treasury may determine to be sufficient to prevent any loss to the Exchequer, such sum as may be required, subject to the condition that the whole amount so borrowed shall be discharged within a period not exceeding thirty-five years.
- (4) Subject to the next following subsection, the first amount mentioned in subsection (1) of this section shall be equal to one hundred and twenty pounds multiplied by the

Status: This is the original version (as it was originally enacted).

number of prisoners belonging to the prison authority mentioned in that subsection for whom separate cell accommodation was provided in the prison on the twelfth day of July, eighteen hundred and seventy-seven.

- (5) Where the prison was not the only prison belonging on the said day to the said prison authority and separate cell accommodation could have been provided on that day in any other such prison for prisoners of that authority, then, if the number of prisoners for whom cell accommodation could then have been so provided is equal to or exceeds the average daily number of prisoners maintained at the expense of the authority (whether in their own or any other prisons) during the five years immediately preceding the first day of January, eighteen hundred and seventy-seven, no sum shall be payable by the authority in respect of the first amount mentioned in subsection (1) of this section, and if the first-mentioned number is less than the said average number, the amount specified in subsection (4) of this section shall be reduced proportionately.
- (6) Any sum payable by an appropriate authority in pursuance of this section shall be a debt due to the Crown.
- (7) In this section the expression " the appropriate authority " means, in relation to any prison which immediately before the commencement of the Prison Act, 1877, belonged to the City of London or a municipal borough, the common council of the City of London or the council of that borough respectively, and in relation to any prison which then belonged to any other authority, the council of the county to which the property of that authority was transferred by the Local Government Act, 1888.

Offences

39 Assisting prisoner to escape

Any person who aids any prisoner in escaping or attempting to escape from a prison or who, with intent to facilitate the escape of any prisoner, conveys any thing into a prison or to a prisoner or places any thing anywhere outside a prison with a view to its coming into the possession of a prisoner, shall be guilty of felony and liable to imprisonment for a term not exceeding two years.

40 Unlawful conveyance of spirits or tobacco into prison, etc.

Any person who contrary to the regulations of a prison brings or attempts to bring into the prison or to a prisoner any spirituous or fermented liquor or tobacco, or places any such liquor or any tobacco anywhere outside the prison with intent that it shall come into the possession of a prisoner, and any officer who contrary to those regulations allows any such liquor or any tobacco to be sold or used in the prison, shall be liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding twenty pounds or both.

41 Unlawful introduction of other articles

Any person who contrary to the regulations of a prison conveys or attempts to convey any letter or any other thing into or out of the prison or to a prisoner or places it anywhere outside the prison with intent that it shall come into the possession of a prisoner shall, where he is not thereby guilty of an offence under either of the two last preceding sections, be liable on summary conviction to a fine not exceeding ten pounds.

42 Display of notice of penalties

The Prison Commissioners shall cause to be affixed in a conspicuous place outside every prison a notice of the penalties to which persons committing offences under the three last preceding sections are liable.

Remand centres, detention centres and Borstal institutions

43 Remand centres, detention centres and Borstal institutions

- (1) The Secretary of State may provide—
 - (a) remand centres, that is to say places for the detention of persons not less than fourteen but under twenty-one years of age who are remanded or committed in custody for trial or sentence;
 - (b) detention centres, that is to say places in which persons not less than fourteen but under twenty-one years of age who are ordered to be detained in such centres under the Criminal Justice Act, 1948, may be kept for short periods under discipline suitable to persons of their age and description; and
 - (c) Borstal institutions, that is to say places in which offenders not less than sixteen but under twenty-one years of age may be detained and given such training and instruction as will conduce to their reformation and the prevention of crime.
- (2) The Secretary of State shall provide in remand centres facilities for the observation of any person detained therein on whose physical or mental condition a medical report may be desirable for the assistance of the court in determining the most suitable method of dealing with his case.
- (3) The following provisions, that is to say—
 - (a) section six of the Prevention of Crimes Act, 1871 (which relates to the registration of prisoners);
 - (b) subsections (2) and (3) of section six, section sixteen, subsection (1) of section eighteen, and sections twenty-two and thirty-six of this Act; and
 - (c) subject as provided in the next following subsection, the other provisions of this Act preceding this section,shall apply to remand centres, detention centres and Borstal institutions and to persons detained therein as they apply to prisons and prisoners.
- (4) The application as aforesaid of the provisions mentioned in paragraph (c) of the preceding subsection shall be subject to the following exceptions, adaptations and modifications:—
 - (a) subsection (1) of section six, subsections (2) to (6) of section eighteen, subsections (2) to (6) of section twenty-five, sections twenty-six to thirty and subsection (2) of section thirty-seven shall not so apply;
 - (b) subsections (1) and (7) of section twenty-five shall not apply to remand centres or Borstal institutions;
 - (c) subsection (4) of section six shall not apply to remand centres and detention centres, and shall apply to persons detained in Borstal institutions as it applies to persons sentenced to corrective training or preventive detention; but the report required, by that subsection, as so applied, shall be made on the advisability of their release under supervision;

Status: This is the original version (as it was originally enacted).

- (d) the provisions mentioned in paragraph (c) of the last preceding subsection other than those specified in paragraphs (a) to (c) hereof shall apply as aforesaid, subject to such adaptations and modifications as may be made by rules of the Secretary of State.
- (5) References in the preceding provisions of this Act to imprisonment shall, so far as those provisions apply to institutions provided under this section, be construed as including detention in those institutions.

44 Transfers from prison to Borstal institution and vice versa

- (1) If the Secretary of State is satisfied that a person serving a sentence of imprisonment is under twenty-one years of age and might with advantage be detained in a Borstal institution he may, after consultation where practicable with the judge or presiding chairman of the court which passed the sentence, authorise the Prison Commissioners to transfer him to a Borstal institution ; and the provisions of the next following section shall thereupon apply to him as if he had on the date of the transfer been sentenced to Borstal training:

Provided that if on that date the unexpired term of his sentence is less than three years those provisions shall apply to him as if he had been sentenced to Borstal training three years before the expiration of that term.

- (2) If a person detained in a Borstal institution is reported to the Secretary of State by the board of visitors to be incorrigible, or to be exercising a bad influence on the other inmates of the institution, the Secretary of State may commute the unexpired part of the term for which the said person is then liable to be detained in a Borstal institution to such term of imprisonment as the Secretary of State may determine, not exceeding the said unexpired part; and for the purpose of this Act the said person shall be treated as if he had been sentenced to imprisonment for that term.

45 Release of person sentenced to Borstal training

- (1) A person sentenced to Borstal training shall be detained in a Borstal institution, and after his release therefrom shall be subject to supervision, in accordance with the following provisions of this section; subject, however, to the power of the Secretary of State under subsection (2) of the last preceding section to commute in certain cases the unexpired part of the term for which a person is liable to be so detained to a term of imprisonment.
- (2) A person sentenced to Borstal training shall be detained in a Borstal institution for such period, not extending beyond three years after the date of his sentence, as the Prison Commissioners may determine, and shall then be released:

Provided that the Prison Commissioners shall not release any such person from a Borstal institution before the expiration of nine months from the date of his sentence unless required to do so by directions of the Secretary of State.

- (3) A person shall, after his release from a Borstal institution and until the expiration of four years from the date of his sentence, be under the supervision of such society or person as may be specified in a notice to be given to him by the Prison Commissioners on his release, and shall, while under that supervision, comply with such requirements as may be so specified:

Provided that the Prison Commissioners may at any time modify or cancel any of the said requirements or order that a person who is under supervision as aforesaid shall cease to be under supervision.

- (4) If before the expiration of four years from the date of his sentence the Prison Commissioners are satisfied that a person who is under supervision after his release from a Borstal institution under subsection (2) of this section has failed to comply with any requirement for the time being specified in the notice given to him under subsection (3) of this section, they may by order recall him to a Borstal institution; and thereupon he shall be liable to be detained in the Borstal institution until the expiration of three years from the date of his sentence, or the expiration of six months from the date of his being taken into custody under the order, whichever is the later, and, if at large, shall be deemed to be unlawfully at large:

Provided that—

- (a) any such order shall, at the expiration of four years from the date of the sentence, cease to have effect unless the person to whom it relates is then in custody thereunder; and
- (b) the Prison Commissioners may at any time release a person who is detained in a Borstal institution under this subsection; and the preceding provisions of this section shall apply in the case of a person so released as they apply in the case of a person released under subsection (2) thereof.
- (5) If any person while under supervision, or after his recall to a Borstal institution, as aforesaid, is sentenced by a court in any part of Great Britain to corrective training or Borstal training, his original sentence of Borstal training shall cease to have effect.
- (6) The Prison Commissioners in exercising their functions under this section shall consider any report made to them by a board of visitors on the advisability of releasing a person from a Borstal institution.

46 Temporary detention of persons liable to detention in a Borstal institution

A person who is required to be taken to a Borstal institution may, until arrangements can be made for taking him there, be temporarily detained elsewhere.

Rules for the management of prisons and other institutions

47 Rules for the management of prisons, remand centres, detention centres and Borstal institutions

- (1) The Secretary of State may make rules for the regulation and management of prisons, remand centres, detention 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.

Status: This is the original version (as it was originally enacted).

- (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.
- (5) Rules made under this section may provide for the temporary release of persons serving a sentence of imprisonment, corrective training, preventive detention or Borstal training.

Miscellaneous

48 Removal of prisoners, etc. to and from Scotland and from the Isle of Man or Channel Islands

- (1) The Secretary of State may, on the application of a person serving a sentence of imprisonment, corrective training, preventive detention or Borstal training, order his removal to a prison or Borstal institution in Scotland ; and any person so removed may be detained, released, recalled and otherwise dealt with as if he had been sentenced by a court in Scotland.
- (2) Any person sentenced, under the law for the time being in force, by any court in the Isle of Man or the Channel Islands to penal servitude, imprisonment, corrective training, preventive detention, detention in a Borstal institution, Borstal training or detention in a detention centre may, if the Secretary of State so orders, be removed to a prison, Borstal institution or detention centre, as the case may be, in England.
- (3) Any person ordered to be removed under the last preceding subsection, and any person sentenced by a court in Scotland who, under any enactment extending to Scotland, is ordered to be removed to a prison or Borstal institution in England, may be detained, released, recalled and otherwise dealt with as if his sentence had been passed by a court in England and as if his sentence were one which could be imposed by such a court:

Provided that—

 - (a) where a person so removed was undergoing or liable to undergo a term of penal servitude, he shall be treated as if that term were a term of imprisonment;
 - (b) where a person so removed was sentenced to detention in a Borstal institution he shall be treated as if he had been sentenced to Borstal training.
- (4) Any person removed under this section from the Isle of Man or the Channel Islands to a prison or Borstal institution in England may, on his release under section twenty-five, section twenty-six or section forty-five of this Act as the case may be, be placed under supervision in the Isle of Man or the Channel Islands, as the case may be, and those sections shall apply to him therein ; and if any person so released is recalled under the provisions aforesaid, he may, if in the Isle of Man or the Channel Islands, be arrested without warrant and removed to England for the purpose of being taken to a prison or Borstal institution as the case may be.

- (5) The provisions of the Second Schedule to this Act shall have effect in relation to persons for the time being in Scotland who have been discharged from prisons and other institutions in England (including persons who, before being so discharged, had been removed to such institutions under any enactment extending to Scotland).
- (6) For the purposes of this section, a person sentenced to death by a court in Scotland or in the Isle of Man or the Channel Islands who has been pardoned by Her Majesty on condition that he serves a term of penal servitude or imprisonment shall be deemed to have been sentenced, to penal servitude or imprisonment by that court.

49 Persons unlawfully at large

- (1) Any person who, having been sentenced to imprisonment, corrective training, preventive detention or Borstal training or ordered to be detained in a detention centre, or having been committed to a prison or remand centre, is unlawfully at large, may be arrested by a constable without warrant and taken to the place in which he is required in accordance with law to be detained.
- (2) Where any person sentenced to imprisonment, corrective training, preventive detention or Borstal training, or ordered to be detained in a remand home or detention centre, is unlawfully at large at any time during the period for which he is liable to be detained in pursuance of the sentence or order, then, unless the Secretary of State otherwise directs, no account shall be taken, in calculating the period for which he is liable to be so detained, of any time during which he is absent from the prison, Borstal institution, remand home, or detention centre, as the case may be:

Provided that—

- (a) this subsection shall not apply to any period during which any such person as aforesaid is detained in pursuance of the sentence or order or in pursuance of any other sentence of any court in a prison, Borstal institution, remand home or detention centre ;
 - (b) this subsection shall not apply to a person who is unlawfully at large from a Borstal institution by reason only that he has been recalled thereto under section forty-five of this Act; and
 - (c) nothing in this subsection shall be construed as extending the period during which a person sentenced to Borstal training is liable to supervision under that section.
- (3) The provisions of the last preceding subsection shall apply to a person who is detained in custody in default of payment of any sum of money as if he were sentenced to imprisonment.
 - (4) For the purposes of this section a person who, after being temporarily released in pursuance of rules made under subsection (5) of section forty-seven of this Act, is at large at any time during the period for which he is liable to be detained in pursuance of his sentence shall be deemed to be unlawfully at large if the period for which he was temporarily released has expired or if an order recalling him has been made by the Prison Commissioners in pursuance of the rules.

50 Application of certain provisions to remand homes and attendance centres

Subsection (1) of section eighteen of this Act shall apply to attendance centres as it applies to prisons and subsection (2) of section twenty-two of this Act shall apply to persons detained in remand homes as it applies to persons detained in prison.

*Supplemental***51 Payment of expenses out of moneys provided by Parliament**

All expenses incurred in the maintenance of prisons and in the maintenance of prisoners and all other expenses of the Secretary of State or the Prison Commissioners incurred under this Act shall be defrayed out of moneys provided by Parliament.

52 Exercise of power to make orders, rules and regulations

- (1) Any power of the Secretary of State to make rules or regulations under this Act and the power of the Secretary of State to make an order under section thirty-four or section thirty-seven of this Act shall be exercisable by statutory instrument.
- (2) Any statutory instrument containing regulations made under section sixteen or an order made under section thirty-seven of this Act, and a draft of any statutory instrument containing rules made under section forty-seven of this Act shall be laid before Parliament.
- (3) The power of the Secretary of State to make an order under section six or section thirty-four of this Act shall include power to revoke or vary such an order.

53 Interpretation

- (1) In this Act the following expressions have the following meanings:—
 - " Attendance centre " means a centre provided by the Secretary of State under subsection (2) of section forty-eight of the Criminal Justice Act, 1948;
 - " Prison " does not include a naval, military or air force prison;
 - " Remand home " means premises established or used by the council of a county or county borough under the provisions of section seventy-seven of the Children and Young Persons Act, 1933.
- (2) For the purposes of this Act the maintenance of a prisoner shall include all necessary expenses incurred in respect of the prisoner for food, clothing, custody and removal from one place to another, from the period of his committal to prison until his death or discharge from prison.
- (3) References in this Act to the Church of England shall be construed as including references to the Church in Wales.
- (4) References in this Act to any enactment shall be construed as references to that enactment as amended by any other enactment.

54 Consequential amendments, repeals and savings

- (1) The enactments mentioned in the Third Schedule to this Act shall have effect subject to the amendments specified therein, being amendments consequential on the provisions of this Act.
- (2) The enactments specified in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) Nothing in this repeal shall affect any rule, order, regulation or declaration made, direction or certificate given or thing done under any enactment repealed by this Act and every such rule, order, regulation, direction, certificate or thing shall, if in force at the commencement of this Act, continue in force and be deemed to have been made, given or done under the corresponding provision of this Act.
- (4) Any document referring to any Act or enactment repealed by this Act shall be construed as referring to this Act or to the corresponding enactment in this Act.
- (5) The mention of particular matters in this section shall not be taken to affect the general application to this Act of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals).

55 Short title, commencement and extent

- (1) This Act may be cited as the Prison Act, 1952.
- (2) This Act shall come into operation on the first day of October, nineteen hundred and fifty-two.
- (3) Subsection (2) of section twenty-two, subsections (1), (3), (5) and (6) of section forty-eight and subsection (1) of section forty-nine of this Act and the Second Schedule and Part II of the Fourth Schedule to this Act shall extend to Scotland, and subsection (1) of the said section forty-nine as so extended shall apply to all persons unlawfully at large.
- (4) Except as provided in the last preceding subsection or the Second Schedule to this Act, this Act shall not extend to Scotland.
- (5) This Act shall not extend to Northern Ireland.