



# Prison Act 1952

1952 CHAPTER 52 15 and 16 Geo 6 and 1 Eliz 2

## *Prison officers*

### 7 **Prison officers.**

- (1) Every prison shall have a governor, a chaplain <sup>F1</sup>... and such other officers as may be necessary.
- (2) Every prison in which women are received shall have a sufficient number of women officers; . . . <sup>F2</sup>
- (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 <sup>F3</sup> . . . .
- (5) <sup>F4</sup> . . . . .

#### **Textual Amendments**

- F1** Words in s. 7(1) repealed (1.11.2007) by [Offender Management Act 2007 \(c. 21\)](#), ss. 25(1), 41(1), [Sch. 5 Pt. 2](#); S.I. 2007/3001, art. 2(1)(t)
- F2** Words repealed by [Sex Discrimination Act 1975 \(c. 65\)](#), s. 18(2)
- F3** Words in s. 7(4) repealed (1.11.2007) by [Offender Management Act 2007 \(c. 21\)](#), s. 41(1), [Sch. 5 Pt. 2](#); S.I. 2007/3001, art. 2(1)(t)
- F4** S. 7(5) repealed by S.I. 1963/597, [Sch. 1](#)

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

- C1** S. 7(1) modified (31.10.1991) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 87(2); S.I. 1991/2208, art. 2(4), [Sch. 3](#)

*Status: Point in time view as at 01/04/2009.*

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## 8 Powers of prison officers.

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

### Modifications etc. (not altering text)

**C2** S. 8 modified (31.10.1991) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#) s. 87(3); S.I. 1991/2208, art. 2(4), [Sch. 3](#)

### [<sup>F5</sup>8A Powers of search by authorised [<sup>F6</sup>persons ] .

- (1) An authorised [<sup>F7</sup>person] at a prison shall have the power to search any prisoner for the purpose of ascertaining whether he has any unauthorised property on his person.
- (2) An authorised [<sup>F8</sup>person] searching a prisoner by virtue of this section—
  - (a) shall not be entitled to require a prisoner to remove any of his clothing other than an outer coat, jacket, headgear, gloves and footwear;
  - (b) may use reasonable force where necessary; and
  - (c) may seize and detain any unauthorised property found on the prisoner in the course of the search.
- (3) In this section “[<sup>F9</sup>authorised person ]” means [<sup>F10</sup>a person working at the prison, ] of a description for the time being authorised by the governor to exercise the powers conferred by this section.
- (4) The governor of a prison shall take such steps as he considers appropriate to notify to prisoners the descriptions of persons who are for the time being authorised to exercise the powers conferred by this section.
- (5) In this section “unauthorised property”, in relation to a prisoner, means property which the prisoner is not authorised by prison rules or by the governor to have in his possession or, as the case may be, in his possession in a particular part of the prison.

### Textual Amendments

- F5** S. 8A and sidenote inserted (3.2.1995) by [1994 c. 33, s. 152\(1\)](#); S.I. 1995/127, art. 2(1), [Sch. 1](#)
- F6** Word in s. 8A sidenote substituted (1.11.2007) by [Offender Management Act 2007 \(c. 21\), ss. 27\(2\), 41\(1\)](#); S.I. 2007/3001, art. 2(1)(h)
- F7** Word in s. 8A(1) substituted (1.11.2007) by [Offender Management Act 2007 \(c. 21\), ss. 27\(3\), 41\(1\)](#); S.I. 2007/3001, art. 2(1)(h)
- F8** Word in s. 8A(2) substituted (1.11.2007) by [Offender Management Act 2007 \(c. 21\), ss. 27\(3\), 41\(1\)](#); S.I. 2007/3001, art. 2(1)(h)
- F9** Words in s. 8A(3) substituted (1.11.2007) by [Offender Management Act 2007 \(c. 21\), ss. 27\(4\)\(a\), 41\(1\)](#); S.I. 2007/3001, art. 2(1)(h)
- F10** Words in s. 8A(3) substituted (1.11.2007) by [Offender Management Act 2007 \(c. 21\), ss. 27\(4\)\(b\), 41\(1\)](#); S.I. 2007/3001, art. 2(1)(h)

### Modifications etc. (not altering text)

**C3** S. 8A modified (3.2.1995) by [1991 c. 53, s. 87\(3\)](#) (as amended (3.2.1995) by [1994 c. 33, s. 168\(2\), Sch. 10 para. 68](#); S.I. 1995/127, art. 2(1), [Sch. 1](#) Appendix B)

*Status: Point in time view as at 01/04/2009.*

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## 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.

### Textual Amendments

**F5** S. 8A and sidenote inserted (3.2.1995) by 1994 c. 33, s. 152(1); S.I. 1995/127, art. 2(1), Sch. 1

## 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) [<sup>F11</sup>The Secretary of State] 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.

### Textual Amendments

**F11** Words substituted by S.I. 1963/597, Sch. 1

### Modifications etc. (not altering text)

**C4** S. 10(5) modified (31.10.1991) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 87(4); S.I. 1991/2208, art. 2(4), Sch. 3

## 11 Ejectment 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

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or dies, he, or, as the case may be, his family, shall quit the accommodation when required to do so by notice of [<sup>F12</sup>the Secretary of State].

- (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 [<sup>F12</sup>a person acting on behalf of the Secretary of State].

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**Textual Amendments**

**F12** Words substituted by [S.I. 1963/597, Sch. 1](#)

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

**C5** [S. 11](#) modified (31.10.1991) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), [s. 87\(3\)](#); [S.I. 1991/2208](#), [art. 2\(4\)](#), [Sch. 3](#)

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