



Prison Act 1952

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

[^{F1} Remand centres, detention centres and Borstal institutions][^{F1} Places for the detention of young offenders etc]

Textual Amendments

- F1** S. 43 and cross-heading substituted (20.3.2015 for specified purposes) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 38\(1\), 95\(1\)](#) (with s. 95(10)); S.I. 2015/778, art. 2(1)(a)(2)

[^{F2}43 [^{F1} Remand centres, detention centres and youth custody centres.][^{F1} Places for the detention of young offenders etc]

[The Secretary of State may provide—

^{F1}(1) (a) remand centres, that is to say places for the detention of persons not less than 14 but under 21 years of age who are remanded or committed in custody for trial or sentence;

[young offender institutions, that is to say places for the detention of offenders sentenced to detention in a young offender institution [^{F4}or to custody for life]; [^{F5}or other persons who may be lawfully detained there]]

(b) ^{F6F7}

(c) ^{F6}

^{F8}(d) [secure training centres, that is to say places in which offenders in respect of whom detention and training orders have been made under [^{F9}section 100 of the Powers of Criminal Courts (Sentencing) Act 2000] may be detained and given training and education and prepared for their release.][^{F10}and in which children who have been remanded to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 may be detained]

(2) The Secretary of State may from time to time direct—

(a) that a woman aged 21 years or over who is serving a sentence of imprisonment or who has been committed to prison for default shall be detained in a remand centre or a youth custody centre instead of a prison:

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- (b) that a woman aged 21 years or over who is remanded in custody or committed in custody for trial or sentence shall be detained in a remand centre instead of a prison;
 - (c) that a person under 21 but not less than 17 years of age who is remanded in custody or committed in custody for trial or sentence shall be detained in a prison instead of a remand centre or a remand centre instead of a prison, notwithstanding anything in section 27 of the Criminal Justice Act 1948 or section 23(3) of the Children and Young Persons Act 1969.
- (3) Notwithstanding subsection (1) above, any person required to be detained in an institution to which this Act applies may be detained in a remand centre for any temporary purpose [^{F11}and a person [^{F12}aged 18 years] or over may be detained in such a centre] for the purpose of providing maintenance and domestic services for that centre.
- (4) Sections 5A, 6(2) and (3), 16, 22, 25 and 36 of this Act shall apply to remand centres, detention centres and youth custody centres and to persons detained in them as they apply to prisons and prisoners.
- [Sections 16, 22 and 36 of this Act shall apply to secure training centres and to persons ^{F13}(4A) detained in them as they apply to prisons and prisoners.]
- (5) The other provisions of this Act preceding this section, except sections 28 and 37(2) above, shall apply to [^{F14}centres of the descriptions specified in subsection (4) above] and to persons detained in them as they apply to prisons and prisoners, but subject to such adaptation and modifications as may be specified in rules made by the Secretary of State.
- [The other provisions of this Act preceding this section, except sections 5, 5A, 6(2) and ^{F15}(5A) (3), 12, 14, 19, 25, 28 and 37(2) and (3) above, shall apply to secure training centres and to persons detained in them as they apply to prisons and prisoners, but subject to such adaptations and modifications as may be specified in rules made by the Secretary of State.]
- (6) 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 references to detention in those institutions.
- (7) Nothing in this section shall be taken to prejudice the operation of [^{F16}section 108(5) of the Powers of Criminal Courts (Sentencing) Act 2000].
- [The application of this Act to a person on whom a custodial sentence (within the ^{F17}(8) meaning of the Armed Forces Act 2006) has been passed in respect of a service offence (within the meaning of that Act) is not affected by the omission from subsection (1) of a reference to that sentence.]]
- [^{F1}(1) The Secretary of State may provide the following places for the detention of young persons sentenced to detention for an offence or remanded to custody (or for the detention of a class of such persons)—
- (a) young offender institutions,
 - (b) secure training centres, and
 - (c) secure colleges.
- (2) In subsection (1), “young person” means a person who is aged under 18 or who was aged under 18 when convicted of the offence or remanded.

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(3) Sections 1 to 42A and Schedule A1 (“the prisons provisions”) apply in relation to places listed in subsection (1) and to persons detained in them as they apply to prisons and prisoners, subject to subsections (4) to (7).

(4) The following provisions do not apply in relation to the following places—

<i>Place</i>	<i>Provisions</i>
Young offender institutions	Sections 28 and 37(2)
Secure training centres or secure colleges	Sections 5, 6(2) and (3), 12, 14, 19, 28 and 37(2)

(5) In their application in relation to secure colleges, the prisons provisions apply as if references to the governor and deputy governor were references to the principal and deputy principal.

(6) In their application in relation to places listed in subsection (1), the prisons provisions apply—

- (a) as if references to imprisonment included references to detention in those places, and
- (b) subject to any other modifications specified in rules made by the Secretary of State (but see subsection (7)).

(7) The following provisions, as they apply in relation to the following places, may not be modified by rules made under this section—

<i>Place</i>	<i>Provisions</i>
Young offender institutions	Sections 5A, 6(2) and (3), 16, 22, 36 and 42A and Schedule A1
Secure training centres or secure colleges	Sections 5A, 16, 22, 36 and 42A and Schedule A1

(8) Rules made under this section may—

- (a) make different provision for different cases;
- (b) contain transitional, transitory or saving provision.

(9) The references in this section to a young person sentenced to detention—

- (a) include a person sentenced to a detention and training order or an order under section 211 of the Armed Forces Act 2006;
- (b) do not include a person sentenced to service detention within the meaning of the Armed Forces Act 2006.

(10) Subsections (11) to (13) have effect in relation to any time before the coming into force of section 61 of the Criminal Justice and Court Services Act 2000 (abolition of sentences of detention in a young offender institution).

(11) Subsection (2) of this section, as it applies for the purposes of the power under subsection (1) to provide young offender institutions, has effect as if for “18”, in each place, there were substituted “ 21 ”.

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- (12) The Secretary of State may from time to time direct that a woman aged 21 or over who is serving a sentence of imprisonment or who has been committed to prison for default is to be detained in a young offender institution.
- (13) Nothing in this section prejudices the operation of section 108(5) of the Powers of Criminal Courts (Sentencing) Act 2000 (detention of persons aged at least 18 but under 21 for default or contempt).]

Textual Amendments

- F2** S. 43 substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 11**
- F3** S. 43(1)(aa) inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 8 para. 16, **Sch. 15 para. 11**
- F4** Words in s. 43(1)(aa) inserted (3.2.1995) by [1994 c. 33, s. 18\(3\)](#); S.I. 1995/127, art. 2(1), **Sch. 1**
- F5** Words in s. 43(1)(aa) inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), **Sch. 26 para. 3**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(b)
- F6** S. 43(1)(b)(c) repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 8 para. 16, **Sch. 16**
- F7** Word in s. 43(1) repealed (1.3.1998) by [1994 c. 33, s. 168\(3\)](#), **Sch. 11**; S.I. 1998/277, **art. 3(3)**
- F8** S. 43(1)(d) substituted (1.4.2000) by [1998 c. 37, s. 119](#), **Sch. 8 para. 6**; S.I. 1999/3426, **art. 3(b)**
- F9** Words in s. 43(1)(d) substituted (25.8.2000) by [2000 c. 6, ss. 165\(1\), 168\(1\)](#), **Sch. 9 para. 5(2)**
- F10** Words in s. 43(1)(d) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 12 para. 4**; S.I. 2012/2906, art. 2(j)
- F11** Words substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 8 para. 16, **Sch. 15 para. 12**
- F12** Words in s. 43(3) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 68, **Sch. 8 para. 2**; S.I. 1992/333, art. 2(2), **Sch. 2**
- F13** S. 43(4A) inserted (3.11.1994) by [1994 c. 33, ss. 5\(3\)](#), 172(4)
- F14** Words in s. 43(5) substituted (3.11.1994) by [1994 c. 33, ss. 5\(4\)](#), 172(4)
- F15** S. 43(5A) inserted (3.11.1994) by [1994 c. 33, ss. 5\(5\)](#), 172(4)
- F16** Words in s. 43(7) substituted (25.8.2000) by [2000 c. 6, ss. 165\(1\), 168\(1\)](#), **Sch. 9 para. 5(3)**
- F17** S. 43(8) added (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Modifications etc. (not altering text)

- C1** S. 43(1)(a)(2)(b)(c) modified (9.5.2005 for specified purposes, 18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 3 para. 36**; S.I. 2005/1267, art. 2(1)(2)(a), Sch. Pt. 1; S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)
- C2** S. 43(1)(d): certain functions made exercisable by the Youth Justice Board for England and Wales concurrently with the Secretary of State (20.4.2000) by S.I. 2000/1160, **art. 4(1)(2)(d)**
- C3** S. 43(8) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), art. 1(3), **Sch. 1 para. 4**

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Textual Amendments

F18 Ss. 44–46 repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

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