



# Prison Act 1952

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

## *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 . . . <sup>F1</sup> incurred under this Act shall be defrayed out of moneys provided by Parliament.

#### **Textual Amendments**

**F1** Words repealed by [S.I. 1963/597, Sch. 1](#)

### **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 <sup>F2</sup>[<sup>F3</sup> . . . or 40A ] of this Act [<sup>F4</sup> or under Schedule A1 to this Act ] shall be exercisable by statutory instrument.

(2) Any statutory instrument containing regulations made under section sixteen <sup>F5</sup> . . . . . <sup>F6</sup> shall be laid before Parliament.

[<sup>F7</sup>(2A) A statutory instrument containing an order under section 40A(7) which relates to List A (whether or not it also relates to List B) shall not be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.

(2B) A statutory instrument containing an order under section 40A(7) which relates only to List B is subject to annulment in pursuance of a resolution of either House of Parliament.]

[<sup>F8</sup>(2C) A statutory instrument containing regulations under section 16A(4) shall not be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.]

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- [<sup>F9</sup>(2A) A statutory instrument containing an order under Schedule A1 to this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.]
- (3) The power of the Secretary of State to make an order under section six or section thirty-four of this Act [<sup>F10</sup>or under Schedule A1 to this Act] shall include power to revoke or vary such an order.
- [<sup>F11</sup>(4) A statutory instrument containing rules under section 47 or 47A is subject to annulment in pursuance of a resolution of either House of Parliament, subject to subsection (5).
- (5) A statutory instrument containing rules under section 47 that (whether alone or with other provision)—
- (a) authorise a secure college custody officer performing custodial duties at a secure college to use reasonable force, or
  - (b) otherwise make a substantive change to the circumstances in which such an officer is authorised to do so,
- may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (6) In subsection (5), “secure college custody officer” has the same meaning as in Schedule 10 to the Criminal Justice and Courts Act 2015.]

#### Textual Amendments

- F2** Word in s. 52(1) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 84(5)(a)**, 115(3)(j)
- F3** Words in s. 52(1) substituted (1.4.2008) by [Offender Management Act 2007 \(c. 21\)](#), **ss. 22(2)(a)**, 41(1); S.I. 2008/504, art. 3(h)
- F4** Words in s. 52(1) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 14 para. 1(2)**; S.I. 2007/709, art. 3(p) (with art. 6)
- F5** Words in s. 52(2) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 84(5)(b)**, 115(3)(j)
- F6** Words repealed by [Criminal Justice Act 1967 \(c. 80\)](#), **Sch. 7 Pt. I**
- F7** S. 52(2A)(2B) inserted (1.4.2008) by [Offender Management Act 2007 \(c. 21\)](#), **ss. 22(2)(b)**, 41(1); S.I. 2008/504, art. 3(h)
- F8** S. 52(2C) inserted (8.12.2021) by [Prisons \(Substance Testing\) Act 2021 \(c. 18\)](#), **ss. 2(2)(b)**, 3(2); S.I. 2021/1280, reg. 2
- F9** S. 52(2A) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 14 para. 1(3)**; S.I. 2007/709, art. 3(p) (with art. 6)
- F10** Words in s. 52(3) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 14 para. 1(4)**; S.I. 2007/709, art. 3(p) (with art. 6)
- F11** S. 52(4)-(6) inserted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 10 para. 28**; S.I. 2015/778, art. 2(1)(d)

## 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 [<sup>F12</sup>section 221 of the Criminal Justice Act 2003] ;
- “Prison” does not include a naval, military or air force prison;

<sup>F13</sup>

...

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- (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.

#### Textual Amendments

- F12** Words in s. 53 substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 32 para. 3](#); [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 42\(4\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10, Sch. 14 para. 17](#); [S.I. 2012/2906](#), art. 2(l))
- F13** Definition of “Remand home” repealed by [Children and Young Persons Act 1969 \(c. 54\), Sch. 6](#)

#### 54 Consequential amendments, repeals and savings.

- <sup>F14</sup>(1) .....
- (2) ..... <sup>F15</sup>
- (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 <sup>M1</sup>Interpretation Act 1889 (which relates to the effect of repeals).

#### Textual Amendments

- F14** S. 54(1) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\), Sch. 1 Pt. I Group 1](#)
- F15** S. 54(2) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\), Sch. Pt. XI](#)

#### Marginal Citations

- M1** [1889 c. 63.](#)

#### 55 Short title, commencement and extent.

- (1) This Act may be cited as the Prison Act 1952.

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- (2) This Act shall come into operation on the first day of October, nineteen hundred and fifty-two.
- <sup>F16</sup>(3) .....
- (4) Except as provided in <sup>F17</sup> . . . [<sup>F18</sup>the <sup>M2</sup>Criminal Justice Act 1961], this Act shall not extend to Scotland.
- (5) This Act shall not extend to Northern Ireland.
- <sup>F19</sup>(6) But (despite subsections (4) and (5)) the following shall extend to England and Wales, Scotland and Northern Ireland—
- (a) section 5A(5A) and (5B), and
  - (b) section 5A(2) to (5) in so far as they apply by virtue of section 5A(5A).]

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#### Textual Amendments

- F16** S. 55(3) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. I** Group 1
- F17** Words in s. 55(4) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. I** Group 1
- F18** Words substituted by [Criminal Justice Act 1961 \(c. 39\)](#), s. 41(3), **Sch. 4**
- F19** S. 55(6) inserted (31.8.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), **ss. 46(2)(b)**, 62(1)(2); S.I. 2006/2226, art. 3, Sch. 1
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#### Marginal Citations

- M2** 1961 c. 39.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 47(1A) inserted by [2012 c. 10 s. 129\(2\)](#)
- s. 47(1A) modified (temp.) by [2012 c. 10 s. 129\(10\)](#)
- s. 47(1A) modified (temp.) by [2012 c. 10 s. 129\(11\)\(a\)](#)
- s. 47(1A)(a) words inserted by [2015 c. 2 Sch. 9 para. 3\(3\)](#)
- s. 47(6) inserted by [2012 c. 10 s. 129\(3\)](#)
- s. 47A inserted by [2012 c. 10 s. 129\(4\)](#)
- s. 47A modified (temp.) by [2012 c. 10 s. 129\(11\)\(b\)](#)
- s. 55(4A) repealed by [2006 c. 13 s. 46\(2\)\(a\)Sch. 3](#)