



# Prison Act 1952

## 1952 CHAPTER 52

### *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,

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*Status: This is the original version (as it was originally enacted).*

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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.