



# Prison Act 1952

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

## *Miscellaneous*

### **49 Persons unlawfully at large.**

- (1) Any person who, having been sentenced to [<sup>F1</sup>imprisonment or custody for life or ordered to be detained in [<sup>F2</sup>youth detention ] accomodation or in a young offenders institution], 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 [<sup>F3</sup>imprisonment, or ordered to be detained in [<sup>F4</sup>youth detention ] accomodation or in a young offenders institution] 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 [<sup>F5</sup>place in which he is required in accordance with law to be detained]:

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 [<sup>F6</sup>in the United Kingdom][<sup>F3</sup>in a prison or remand centre, in [<sup>F4</sup>youth detention ] accomodation or in a young offenders institution];
  - (b) <sup>F7</sup> .....
  - (c) ... <sup>F8</sup>
- (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.

[<sup>F9</sup>(3A) Where—

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- (a) a person is extradited to the United Kingdom from a category 1 territory for the purpose of serving a term of imprisonment or another form of detention mentioned in subsection (2) of this section, and
- (b) the person was for any time kept in custody in that territory with a view to the extradition (and not also for any other reason),

the Secretary of State shall exercise the power under that subsection to direct that account shall be taken of that time in calculating the period for which the person is liable to be detained.]

[<sup>F9</sup>(3B) In subsection (3A) of this section “category 1 territory” means a territory designated under the Extradition Act 2003 for the purposes of Part 1 of that Act.]

- (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 [<sup>F10</sup>Secretary of State] in pursuance of the rules.

<sup>F11</sup>(4A) . . . . .

[<sup>F12</sup>(5) In this section “[<sup>F13</sup>“youth detention accommodation”]” means—

- (a) a young offender institution;
- (b) a secure training centre;
- [ a secure college;] or

<sup>F14</sup>(ba)

- (c) any other accommodation that is [<sup>F15</sup>youth detention] accommodation within the meaning given by [<sup>F16</sup>section 248(1) of the Sentencing Code] (detention and training orders).]

#### Textual Amendments

- F1** Words in s. 49(1) substituted (1.4.2000) by 1998 c. 37, s. 119, **Sch. 8 para. 7(1)**; S.I. 1999/3426, **art. 3(b)**
- F2** Words in s. 49(1) substituted (1.11.2007) by Offender Management Act 2007 (c. 21), s. 41(1), **Sch. 3 para. 11(2)**; S.I. 2007/3001, art. 2(1)(r)
- F3** Words in s. 49(2) substituted (1.4.2000) by 1998 c. 37, s. 119, **Sch. 8 para. 7(2)**; S.I. 1999/3426, **art. 3(b)**
- F4** Words in s. 49(2) substituted (1.11.2007) by Offender Management Act 2007 (c. 21), s. 41(1), **Sch. 3 para. 11(3)**; S.I. 2007/3001, art. 2(1)(r)
- F5** Words substituted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 14 para. 8(b)(ii)**
- F6** Words inserted by Criminal Justice Act 1961 (c. 39), **Sch. 4**
- F7** S. 49(2)(b) repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 16**
- F8** S. 49(2) proviso (c) repealed by Criminal Justice Act 1961 (c. 39), **Sch. 5**
- F9** S. 49(3A)(3B) inserted (E.W.) (21.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 171, 185(1)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 2(p)
- F10** Words substituted by S.I. 1963/597, **Sch. 1**
- F11** S. 49(4A) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 1**; S.I. 2012/2906, art. 2(h)
- F12** S. 49(5) inserted (1.4.2000) by 1998 c. 37, s. 119, **Sch. 8 para. 7(3)**; S.I. 1999/3426, **art. 3(b)**
- F13** Words in s. 49(5) substituted (1.11.2007) by Offender Management Act 2007 (c. 21), s. 41(1), **Sch. 3 para. 11(4)(a)**; S.I. 2007/3001, art. 2(1)(r)

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- F14** Words in s. 49(5) inserted (20.3.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 9 para. 4**; S.I. 2015/778, art. 2(1)(c)
- F15** Words in s. 49(5)(c) substituted (1.11.2007) by Offender Management Act 2007 (c. 21), s. 41(1), **Sch. 3 para. 11(4)(b)**; S.I. 2007/3001, art. 2(1)(r)
- F16** Words in s. 49(5)(c) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 5** (with Sch. 27); S.I. 2020/1236, reg. 2

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

- C1** S. 49 excluded by Naval Discipline Act 1957 (c. 53), s. **88(4)**; amended by Criminal Justice Act 1967 (c. 80), s. **69(2)**
- C2** S. 49 applied (5.9.1995) by 1995 c. 16, s. **1(5)(6)**; S.I. 1995/2021, art. **2**
- C3** S. 49(1) extended by Criminal Justice Act 1961 (c. 39), s. **30(1)(2)**
- C4** S. 49(1) extended (U.K, Channel Islands) (1.10.1997) by 1997 c. 43, s. 41, **Sch. 1 Pt. III para. 17(1)(a)**; S.I. 1997/2200, art. **2(1)(g)** (with art. 5)
- C5** S. 49(2) amended by Mental Health Act 1959 (c. 72), s. **75(4)**
- C6** S. 49(2) amended by Mental Health Act 1983 (c. 20, SIF 85), s. **50(4)**  
s. 49(2) excluded (1.9.2001) by 2001 c. 17, s. 42, **Sch. 7 para. 2(1)(b)** (with s. 78); S.I. 2001/2161, art. **2**
- C7** Proviso (a) to s. 49(2) amended (1.10.1997) by 1997 c. 43, s. 41, **Sch. 1 Pt. III para. 17(6)(a)**; S.I. 1997/2200, art. **2(1)(g)** (with art. 5)
- C8** S. 49(4) applied (with modifications) by SI 2000/1160, art. 5 (as inserted (E.W.) (28.1.2015) by The Youth Justice Board for England and Wales (Amendment of Functions) Order 2015 (S.I. 2015/79), arts. 1, **3(4)**)

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