



# Prison Act (Northern Ireland) 1953

## 1953 CHAPTER 18

### OFFENCES

#### [<sup>F1</sup>34 Sections 34A and 34B: classification of articles

- (1) This section defines the categories of articles which are referred to in sections 34A and 34B.
- (2) A List A article is any article or substance in the following list (“List A”)—
  - (a) a controlled drug (as defined for the purposes of the Misuse of Drugs Act 1971 (c. 38));
  - (b) an explosive;
  - (c) any firearm or ammunition (as defined in Article 2(2) of the Firearms (Northern Ireland) Order 2004 (NI 3));
  - (d) any other offensive weapon (as defined in Article 3(10) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)).
- (3) A List B article is any article or substance in the following list (“List B”)—
  - (a) intoxicating liquor (as defined for the purposes of the Licensing (Northern Ireland) Order 1996 (NI 22));
  - (b) a mobile or satellite telephone;
  - (c) a camera;
  - (d) a sound-recording device.
- (4) In List B—

“camera” includes any device by means of which a photograph (as defined in section 34C) can be produced;

“sound-recording device” includes any device by means of which a sound-recording (as defined in section 34C) can be made.
- (5) The reference in paragraph (b), (c) or (d) of list B to a device of any description includes a reference to —
  - (a) a component part of a device of that description;

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*Changes to legislation: There are currently no known outstanding effects for the Prison Act (Northern Ireland) 1953, Section 34. (See end of Document for details)*

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- (b) an article designed or adapted for use with a device of that description (including any disk, film or other separate article on which images, sounds or information may be recorded).
- (6) A List C article is any article or substance prescribed for the purposes of this subsection by prison rules.
- (7) The [<sup>F2</sup>Department] may by order amend this section for the purpose of
  - (a) adding an entry to List A or List B;
  - (b) repealing or modifying any entry for the time being included in List A or List B;
  - (c) adding, repealing or modifying any provision for the interpretation of any such entry.
- [<sup>F3</sup>(8) An order made by the Department under subsection (7) is subject to negative resolution.
- (9) Section 1A(1) does not apply to the power to make orders under subsection (7).]]

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| <p><b>F1</b> Ss. 34, 34A, 34B substituted (19.12.2008) for ss. 34, 35 by <a href="#">Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1))</a>, arts. 1(4), <b>77</b>; S.R. 2008/472, <b>art. 2(2)</b>, Sch. Pt. II</p> <p><b>F2</b> Word in s. 34 substituted (12.4.2010) by <a href="#">Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976)</a>, arts. 1(2), 6(1), <b>Sch. 4 para. 2(5)</b> (with arts. 28-31); S.I. 2010/977, <b>art. 1(2)</b></p> <p><b>F3</b> S. 34(8)(9) substituted (12.4.2010) for s. 34(8) by <a href="#">Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976)</a>, arts. 1(2), 6(1), <b>Sch. 4 para. 5</b> (with arts. 28-31); S.I. 2010/977, <b>art. 1(2)</b></p> |
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**Changes to legislation:**

There are currently no known outstanding effects for the Prison Act (Northern Ireland) 1953, Section 34.