Prison Act (Northern Ireland) 1953

1953 CHAPTER 18

MISCELLANEOUS

38 [F1] Arrest, etc., of persons unlawfully at large.

(1 [F2] A constable or a prison officer may arrest without warrant any person—

(a) whom he reasonably suspects of having committed, or attempted to commit, any offence against this Act; or

(b) whom he reasonably suspects of being unlawfully at large;

and convey him before a justice of the peace to be dealt with according to law, or take him to the place in which he is required by law to be detained.

(2 [F3] Where any person sentenced to imprisonment, …[F4] [[F5] or ordered to be detained in a young offenders centre] is unlawfully at large at any time during the period for which he is liable to be detained in pursuance of the sentence, then, unless the **[**[F6]Department**]** otherwise directs, no account shall be taken, in calculating the period for which he is liable to be so detained, of the time during which he is absent from prison.

[[F7](3) The provisions of subsection (2) shall not apply to any period during which any such person—

(a) is detained in pursuance of any other sentence of any court in the United Kingdom in a prison or other institution, or

(b) is kept in custody in a category 1 territory before, and only for the purpose of, being extradited to the United Kingdom to serve the term of imprisonment or detention referred to in that subsection,

but shall apply in addition to any other provisions of this Act imposing any punishment for an escape.

(3A) In subsection (3) "category 1 territory" means a territory designated under the Extradition Act 2003 for the purposes of Part 1 of that Act.**]**

(4) The provisions of **[**[F8]subsection (2)**]** 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.

(5) For the purposes of this section a person who, after being temporarily released in pursuance of prison rules, 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 **[**[F6]Department**]** in pursuance of the rules.

F1 1957 c. 53
F2 1961 c. 39
F3 1961 c. 15 (NI); 1967 c. 80
F4 1968 c. 29 (NI); 1980 NI 10
F5 1968 c. 29 (NI)
F6 Word in s. 38 substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(1), **Sch. 4 para. 2(3)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
F7 S. 38(3)(3A) substituted for s. 38(3) (21.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 173(1)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 2(r)
F8 Words in s. 38(4) substituted (21.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 103** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 2(t)

Changes to legislation:
There are currently no known outstanding effects for the Prison Act (Northern Ireland) 1953, Section 38 .