



# Prison Act 1952

## 1952 CHAPTER 52

### *Confinement and treatment of prisoners*

#### **12 Place of confinement of prisoners**

- (1) A prisoner, whether sentenced to imprisonment or committed to prison on remand or pending trial or otherwise, may be lawfully confined in any prison,
- (2) Prisoners shall be committed to such prisons as the Secretary-of State may from time to time direct; and may by direction of the Secretary of State be removed during the term of their imprisonment from the prison in which they are confined to any other prison.
- (3) A writ, warrant or other legal instrument addressed to the governor of a prison and identifying that prison by its situation or by any other sufficient description shall not be invalidated by reason only that the prison is usually known by a different description.

#### **13 Legal custody of prisoner**

- (1) Every prisoner shall be deemed to be in the legal custody of the governor of the prison.
- (2) A prisoner shall be deemed to be in legal custody while he is confined in, or is being taken to or from, any prison and while he is working, or is for any other reason, outside the prison in the custody or under the control of an officer of the prison.

#### **14 Cells**

- (1) The Secretary of State shall satisfy himself from time to time that in every prison sufficient accommodation is provided for all prisoners.
- (2) No cell shall be used for the confinement of a prisoner unless it is certified by an inspector that its size, lighting, heating, ventilation and fittings are adequate for health and that it allows the prisoner to communicate at any time with a prison officer.

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*Status: This is the original version (as it was originally enacted).*

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- (3) A certificate given under this section in respect of any cell may limit the period for which a prisoner may be separately confined in the cell and the number of hours a day during which a prisoner may be employed therein.
- (4) The certificate shall identify the cell to which it relates by a number or mark and the cell shall be marked by that number or mark placed in a conspicuous position; and if the number or mark is changed without the consent of an inspector the certificate shall cease to have effect.
- (5) An inspector may withdraw a certificate given under this section in respect of any cell if in his opinion the conditions of the cell are no longer as stated in the certificate.
- (6) In every prison special cells shall be provided for the temporary confinement of refractory or violent prisoners.

## **15 Separation of male and female prisoners**

In a prison used for both men and women separate buildings or parts of a building shall be used for the men and for the women respectively so as to prevent the one from seeing or communicating with the other.

## **16 Photographing and measuring of prisoners**

The Secretary of State may make regulations as to the measuring and photographing of prisoners and such regulations may prescribe the time or times at which and the manner and dress in which prisoners shall be measured and photographed and the number of copies of the measurements and photographs of each prisoner which shall be made and the persons to whom they shall be sent.

## **17 Painful tests**

The medical officer of a prison shall not apply any painful tests to a prisoner for the purpose of detecting malingering or for any other purpose except with the permission of a Prison Commissioner or the visiting committee or, as the case may be, board of visitors.

## **18 Corporal punishment in prisons**

- (1) Except as provided by this section, corporal punishment shall not be inflicted in any prison.
- (2) Rules made under section forty-seven of this Act may authorise the infliction of corporal punishment for mutiny, incitement to mutiny, or gross personal violence to an officer of a prison when committed by a male person serving a sentence of imprisonment, corrective training or preventive detention.
- (3) The rules shall not authorise the infliction of corporal punishment except by order of the visiting committee or board of visitors, as the case may be, made at a meeting at which not more than five nor less than three members, at least two being justices of the peace, are present; and no such order shall be made except after an inquiry in which the evidence is given on oath:

Provided that the Secretary of State may, if he thinks fit in any particular case, direct that the functions exercisable as aforesaid by the visiting committee or board of visitors shall be exercised by a metropolitan police magistrate or stipendiary magistrate appointed in that behalf.

(4) The punishment which may be inflicted under such an order as aforesaid shall not exceed—

- (a) in the case of a person appearing to the visiting committee or board of visitors or magistrate to be not less than twenty-one years of age, eighteen strokes of a cat-o'-nine-tails or birch rod ; or
- (b) in the case of a person appearing to them or him to be under that age, twelve strokes of a birch rod ;

and if corporal punishment is inflicted, no further punishment by way of confinement in cells or restricted diet shall be imposed.

(5) Where an order for the infliction of corporal punishment has been made under this section, a copy of the notes of the evidence given at the inquiry, a copy of the order and a statement of the grounds on which it was made shall forthwith be given to the Secretary of State; and the order shall be carried into effect only after confirmation by the Secretary of State, and, if the Secretary of State confirms the order with modifications, in accordance with the modifications.

(6) A refusal by the Secretary of State to confirm such an order as aforesaid shall not prejudice any power to impose another punishment for the offence for which the order was made.

## **19 Right of justice to visit prison**

(1) A justice of the peace for any county or borough may at any time visit any prison in that county or borough and any prison in which a prisoner is confined in respect of an offence committed in that county or borough, and may examine the condition of the prison and of the prisoners and enter in the visitors' book, to be kept by the governor of the prison, any observations on the condition of the prison or any abuses.

(2) Nothing in the preceding subsection shall authorise a justice of the peace to communicate with any prisoner except on the subject of his treatment in the prison, or to visit any prisoner under sentence of death.

(3) The governor of every prison shall bring any entry in the visitors' book to the attention of the visiting committee or the board of visitors at their next visit.

## **20 Duty of governor to deliver calendar of prisoners**

The governor of every prison in which persons committed for trial before a court of assize or quarter sessions are confined shall deliver to that court a calendar of those persons.

## **21 Expenses of conveyance to prison**

A prisoner shall not in any case be liable to pay the cost of his conveyance to prison.

## **22 Removal of prisoners for judicial and other purposes**

- (1) Rules made under section forty-seven of this Act may provide in what manner an appellant within the meaning of the Criminal Appeal Act, 1907, when in custody, is to be taken to, kept in custody at, and brought back from, any place at which he is entitled to be present for the purposes of that Act, or any place to which the Court of Criminal Appeal or any judge thereof may order him to be taken for the purpose of any proceedings of that court.
- (2) The Secretary of State may—
  - (a) if he is satisfied that the attendance at any place in Great Britain of a person detained in England in a prison is desirable in the interests of justice or for the purposes of any public inquiry, direct him to be taken to that place;
  - (b) if he is satisfied that a person so detained requires medical or surgical treatment of any description, direct him to be taken to a hospital or other suitable place for the purpose of the treatment;

and where any person is directed under this subsection to be taken to any place he shall, unless the Secretary of State otherwise directs, be kept in custody while being so taken, while at that place, and while being taken back to the prison in which he is required in accordance with law to be detained.

## **23 Power of constable etc. to act outside his jurisdiction**

For the purpose of taking a person to or from any prison under the order of any authority competent to give the order a constable or other officer may act outside the area of his jurisdiction and shall notwithstanding that he is so acting have all the powers, authority, protection and privileges of his office.