



# Prison Act 1952

## 1952 CHAPTER 52

### *Length of sentence, release on licence and temporary discharge*

#### **24 Calculation of term of sentence**

- (1) In any sentence of imprisonment the word " month " shall, unless the contrary is expressed, be construed as meaning calendar month.
- (2) A prisoner who but for this subsection would be discharged on a Sunday, Christmas Day or Good Friday, shall be discharged on the day next preceding.

#### **25 Remission for good conduct and release on licence of persons sentenced to terms of imprisonment**

- (1) Rules made under section forty-seven of this Act may make provision whereby, in such circumstances as may be prescribed by the rules, a person serving a sentence of imprisonment for such a term as may be so prescribed may be granted remission of such part of that sentence as may be so prescribed on the ground of his industry and good conduct, and on the discharge of a person from prison in pursuance of any such remission as aforesaid his sentence shall expire.
- (2) If it appears to the Prison Commissioners that a person serving a sentence of imprisonment was under the age of twenty-one years at the commencement of his sentence, they may direct that instead of being granted remission of his sentence under the rules he shall, at any time on or after the day on which he could have been discharged if the remission had been granted, be released on licence under the following provisions of this section.
- (3) A person released on licence under this section shall until the expiration of his sentence be under the supervision of such society or person as may be specified in the licence and shall comply with such other requirements as may be so specified:

Provided that the Prison Commissioners may at any time modify or cancel any such requirements.

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- (4) If before the expiration of his sentence the Prison Commissioners are satisfied that a person released as aforesaid has failed to comply with any requirement for the time being specified in the licence, they may by order recall him to a prison; and thereupon he shall be liable to be detained in prison until the expiration of his sentence and, if at large, shall be deemed to be unlawfully at large.
- (5) The Prison Commissioners may release on licence a person detained in a prison under the last preceding subsection at any time before the expiration of his sentence; and subsections (3) and (4) of this section shall apply in the case of a person released under this subsection as they apply in the case of a person released under subsection (2) thereof.
- (6) Where the unexpired part of the sentence of a person released under subsection (2) of this section is less than six months, subsections (3) to (5) of this section shall apply to him subject to the following modifications—
- (a) the period for which he is under supervision under subsection (3) and is liable to recall under subsection (4) shall be a period of six months from the date of his release under the said subsection (2);
  - (b) if he is recalled under subsection (4) the period for which he may be detained thereunder shall be whichever is the shorter of the following, that is to say—
    - (i) the remainder of the said period of six months ;
 or
    - (ii) the part of his sentence which was unexpired on the date of his release under the said subsection (2), reduced by any time during which he has been so detained since that date;
 and he may be released on licence under subsection (5) at any time before the expiration of that period.
- (7) For the purposes of this section, a person committed to prison in default of payment of a sum adjudged to be paid by a conviction shall be treated as undergoing a sentence of imprisonment for the term for which he is committed, and consecutive terms of imprisonment shall be treated as one term.

## **26 Release on licence of persons sentenced to corrective training or preventive detention**

- (1) A person sentenced to corrective training or preventive detention shall be detained in a prison for the term of his sentence subject to his release on licence in accordance with the following provisions of this section, and while so detained shall be treated in such manner as may be prescribed by rules made under section forty-seven of this Act.
- (2) The Prison Commissioners may release on licence a person sentenced to corrective training or preventive detention after he has served such portion of his sentence as may be determined in accordance with rules made under the said section forty-seven :
- Provided that the Secretary of State may require the Prison Commissioners to release a person so sentenced at any time.
- (3) A person shall, after his release on licence under the last preceding subsection and until the expiration of his sentence, comply with such requirements as may be specified in the licence, including, if the Prison Commissioners think it expedient, a requirement that he shall be under the supervision of such society or person as may be so specified:

Provided that the Prison Commissioners may at any time modify or cancel any of the said requirements.

- (4) If before the expiration of his sentence the Prison Commissioners are satisfied that a person released on licence under subsection (2) of this section has failed to comply with any requirement for the time being specified in the licence, they may by order recall him to a prison ; and thereupon he shall be liable to be detained in prison until the expiration of his sentence, and, if at large, shall be deemed to be unlawfully at large.
- (5) The Prison Commissioners may release on licence a person detained in a prison under the last preceding subsection at any time before the expiration of his sentence; and subsections (3) and (4) of this section shall apply in the case of a person released under this subsection as they apply in the case of a person released under subsection (2) thereof.
- (6) If a person while released on licence, or after he is recalled to a prison, as aforesaid, is sentenced by a court in any part of Great Britain to corrective training or preventive detention, the sentence by virtue of which he is on licence or has been recalled shall cease to have effect.

## **27 Release on licence of persons serving imprisonment for life**

- (1) The Secretary of State may at any time if he thinks fit release on licence a person serving a term of imprisonment for life subject to compliance with such conditions, if any, as the Secretary of State may from time to time determine.
- (2) The Secretary of State may at any time by order recall to prison a person released on licence under this section, but without prejudice to the power of the Secretary of State to release him on licence again ; and where any person is so recalled his licence shall cease to have effect and he shall, if at large, be deemed to be unlawfully at large.

## **28 Power of Secretary of State to discharge prisoners temporarily on account of ill health**

- (1) If the Secretary of State is satisfied that by reason of the condition of a prisoner's health it is undesirable to detain him in prison, but that, such condition of health being due in whole or in part to the prisoner's own conduct in prison, it is desirable that his release should be temporary and conditional only, the Secretary of State may, if he thinks fit, having regard to all the circumstances of the case, by order authorise the temporary discharge of the prisoner for such period and subject to such conditions as may be stated in the order.
- (2) Where an order of temporary discharge is made in the case of a prisoner not under sentence, the order shall contain conditions requiring the attendance of the prisoner at any further proceedings on his case at which his presence may be required.
- (3) Any prisoner discharged under this section shall comply with any conditions stated in the order of temporary discharge, and shall return to prison at the expiration of the period stated in the order, or of such extended period as may be fixed by any subsequent order of the Secretary of State, and if the prisoner fails so to comply or return, he may be arrested without warrant and taken back to prison.
- (4) Where a prisoner under sentence is discharged in pursuance of an order of temporary discharge, the currency of the sentence shall be suspended from the day on which he

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is discharged from prison under the order to the day on which he is received back into prison, so that the former day shall be reckoned and the latter shall not be reckoned as part of the sentence.

- (5) Nothing in this section shall affect the duties of the medical officer of a prison in respect of a prisoner whom, the Secretary of State does not think fit to discharge under this section.