

*Status: Point in time view as at 01/10/1992.*

*Changes to legislation: Prison Act 1952, Cross Heading: Length of sentence, release on licence and temporary discharge is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*



# Prison Act 1952

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

*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)<sup>F1</sup>

### Textual Amendments

F1 S. 24(2) repealed by [Criminal Justice Act 1961 \(c. 39\)](#), [Sch. 5](#)

### Modifications etc. (not altering text)

C1 S. 24 excluded (1.9.2001) by [2001 c. 17, s. 42](#), [Sch. 7 para. 2\(1\)\(a\)](#) (with s. 78); [S.I. 2001/2161, art. 2](#)

<sup>F2</sup>25 .....

### Textual Amendments

F2 S. 25 repealed (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 101(2), [Sch. 13](#); [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#)

26, 27. ....<sup>F3</sup>

### Textual Amendments

F3 Ss. 25(2)–(6), 26, 27 repealed by [Criminal Justice Act 1967 \(c. 80\)](#), [Sch. 7 Pt. I](#)

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## **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 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.

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

**C2** S. 28 excluded (1.9.2001) by 2001 c. 17, s. 42, **Sch. 7 para. 3(1)** (with s. 78); S.I. 2001/2161, **art. 2**

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