



Prison Act 1952

1952 CHAPTER 52

Miscellaneous

48 Removal of prisoners, etc. to and from Scotland and from the Isle of Man or Channel Islands

- (1) The Secretary of State may, on the application of a person serving a sentence of imprisonment, corrective training, preventive detention or Borstal training, order his removal to a prison or Borstal institution in Scotland ; and any person so removed may be detained, released, recalled and otherwise dealt with as if he had been sentenced by a court in Scotland.
- (2) Any person sentenced, under the law for the time being in force, by any court in the Isle of Man or the Channel Islands to penal servitude, imprisonment, corrective training, preventive detention, detention in a Borstal institution, Borstal training or detention in a detention centre may, if the Secretary of State so orders, be removed to a prison, Borstal institution or detention centre, as the case may be, in England.
- (3) Any person ordered to be removed under the last preceding subsection, and any person sentenced by a court in Scotland who, under any enactment extending to Scotland, is ordered to be removed to a prison or Borstal institution in England, may be detained, released, recalled and otherwise dealt with as if his sentence had been passed by a court in England and as if his sentence were one which could be imposed by such a court:

Provided that—

- (a) where a person so removed was undergoing or liable to undergo a term of penal servitude, he shall be treated as if that term were a term of imprisonment;
 - (b) where a person so removed was sentenced to detention in a Borstal institution he shall be treated as if he had been sentenced to Borstal training.
- (4) Any person removed under this section from the Isle of Man or the Channel Islands to a prison or Borstal institution in England may, on his release under section twenty-five, section twenty-six or section forty-five of this Act as the case may be, be placed under supervision in the Isle of Man or the Channel Islands, as the case may be, and those sections shall apply to him therein ; and if any person so released is recalled under the provisions aforesaid, he may, if in the Isle of Man or the Channel Islands,

Status: This is the original version (as it was originally enacted).

be arrested without warrant and removed to England for the purpose of being taken to a prison or Borstal institution as the case may be.

- (5) The provisions of the Second Schedule to this Act shall have effect in relation to persons for the time being in Scotland who have been discharged from prisons and other institutions in England (including persons who, before being so discharged, had been removed to such institutions under any enactment extending to Scotland).
- (6) For the purposes of this section, a person sentenced to death by a court in Scotland or in the Isle of Man or the Channel Islands who has been pardoned by Her Majesty on condition that he serves a term of penal servitude or imprisonment shall be deemed to have been sentenced, to penal servitude or imprisonment by that court.

49 Persons unlawfully at large

- (1) Any person who, having been sentenced to imprisonment, corrective training, preventive detention or Borstal training or ordered to be detained in a detention centre, or having been committed to a prison or remand centre, is unlawfully at large, may be arrested by a constable without warrant and taken to the place in which he is required in accordance with law to be detained.
- (2) Where any person sentenced to imprisonment, corrective training, preventive detention or Borstal training, or ordered to be detained in a remand home or detention centre, is unlawfully at large at any time during the period for which he is liable to be detained in pursuance of the sentence or order, then, unless the Secretary of State otherwise directs, no account shall be taken, in calculating the period for which he is liable to be so detained, of any time during which he is absent from the prison, Borstal institution, remand home, or detention centre, as the case may be:

Provided that—

- (a) this subsection shall not apply to any period during which any such person as aforesaid is detained in pursuance of the sentence or order or in pursuance of any other sentence of any court in a prison, Borstal institution, remand home or detention centre ;
 - (b) this subsection shall not apply to a person who is unlawfully at large from a Borstal institution by reason only that he has been recalled thereto under section forty-five of this Act; and
 - (c) nothing in this subsection shall be construed as extending the period during which a person sentenced to Borstal training is liable to supervision under that section.
- (3) The provisions of the last preceding subsection 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.
 - (4) For the purposes of this section a person who, after being temporarily released in pursuance of rules made under subsection (5) of section forty-seven of this Act, 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 Prison Commissioners in pursuance of the rules.

50 Application of certain provisions to remand homes and attendance centres

Subsection (1) of section eighteen of this Act shall apply to attendance centres as it applies to prisons and subsection (2) of section twenty-two of this Act shall apply to persons detained in remand homes as it applies to persons detained in prison.