

Status: Point in time view as at 01/02/1991.

Changes to legislation: Prison Act 1952, Cross Heading: Provision, maintenance and closing of prisons is up to date with all changes known to be in force on or before 07 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

Provision, maintenance and closing of prisons

33 Power to provide prisons, etc.

- (1) The Secretary of State may with the approval of the Treasury alter, enlarge or rebuild any prison and build new prisons.
- (2) The Secretary of State may provide new prisons by declaring to be a prison any building or part of a building built for the purpose or vested in him or under his control.
- (3) A declaration under this section may with respect to the building or part of a building declared to be a prison make the same provisions as an order under the next following section may make with respect to an existing prison.
- (4) A declaration under this section may at any time be revoked by the Secretary of State.
- (5) A declaration under this section shall not be sufficient to vest the legal estate of any building in the [F1 Secretary of State].

Textual Amendments

F1 Words substituted by [S.I. 1963/597](#), [Sch. 1](#)

34 Jurisdiction of sheriff, etc.

- (1) The transfer under the ^{M1}Prison Act 1877 of prisons and of the powers and jurisdiction of prison authorities and of justices in sessions assembled and visiting justices shall not be deemed to have affected the jurisdiction of any sheriff or coroner or, except to the extent of that transfer, of any justice of the peace or other officer.
- (2) The Secretary of State may by order direct that, for the purpose of any enactment, rule of law or custom dependent on a prison being the prison of any county or place, any prison situated in that county or in the county in which that place is situated, or any

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prison provided by him in pursuance of this Act, shall be deemed to be the prison of that county or place.

Marginal Citations

M1 1877 c. 21.

[^{F2}35 Prison property.

- (1) Every prison and all real and personal property belonging to a prison shall be vested in the Secretary of State and may be disposed of in such manner as the Secretary of State, with the consent of the Treasury, may determine.
- (2) For the purposes of this section the Secretary of State shall be deemed to be a corporation sole.
- (3) Any instrument in connection with the acquisition, management or disposal of any property to which this section applies may be executed on behalf of the Secretary of State by an Under-Secretary of State or any other person authorised by the Secretary of State in that behalf; and any instrument purporting to have been so executed on behalf of the Secretary of State shall be deemed, until the contrary is proved, to have been so executed on his behalf.
- (4) The last foregoing subsection shall be without prejudice to the execution of any such instrument as aforesaid, or of any other instrument, on behalf of the Secretary of State in any other manner authorised by law.]

Textual Amendments

F2 S. 35 substituted by S.I. 1963/597, Sch. 1

Modifications etc. (not altering text)

- C1 S. 35 modified (31.10.1991) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 87(8); S.I. 1991/2208, art. 2(4), Sch. 3
- C2 S. 35(1) modified (3.11.1994) by 1994 c. 33, ss. 100(2)(4), 172(4)

36 Acquisition of land for prisons.

- (1) [^{F3}The Secretary of State may purchase by agreement or]compulsorily, any land required for the alteration, enlargement or rebuilding of a prison or for establishing a new prison or for any other purpose connected with the management of a prison (including the provision of accommodation for officers or servants employed in a prison).
- [^{F4}(2) The [^{F5M2}Acquisition of Land Act 1981] shall apply to the compulsory purchase of land by the Secretary of State under this section . . . ^{F6}.]
- (3) In relation to the purchase of land by agreement under this section, [^{F7}the provisions of Part I of the ^{M3}Compulsory Purchase Act 1965 (so far as applicable) other than sections 4 to 8, section 10, and section 31, shall apply].

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Textual Amendments

- F3 Words substituted by [S.I. 1963/597](#), **Sch. 1**
- F4 [S. 36\(2\)](#) substituted by [S.I. 1963/597](#), **Sch. 1**
- F5 Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), **Sch. 4 para. 1** Table
- F6 Words repealed by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), **Sch. 6 Pt. I**
- F7 Words substituted by [Compulsory Purchase Act 1965 \(c. 56\)](#), **Sch. 6**

Modifications etc. (not altering text)

- C3 [S. 36](#) amended (*retrospectively*) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 167, **Sch. 8 para. 16**
- C4 [S. 36](#) amended by [Criminal Justice Act 1972 \(c. 71\)](#), s. 60
- C5 [S. 36\(1\)](#): certain functions made exercisable by the Youth Justice Board for England and Wales concurrently with the Secretary of State (20.4.2000) by [S.I. 2000/1160](#), **art. 4(1)(2)(c)**

Marginal Citations

- M2 [1981 c. 67](#)
- M3 [1965 c. 56](#).

37 Closing of prisons.

- (1) Subject to the next following subsection, the Secretary of State may by order close any prison.
- (2) Where a prison is the only prison in the county, the Secretary of State shall not make an order under this section in respect of it except for special reasons, which shall be stated in the order.
- (3) In this section the expression “county” means a county at large.
- (4) For the purposes of this and the next following section a prison shall not be deemed to be closed by reason only of its appropriation for use as a remand centre, detention centre or [^{F8}youth custody centre].

Textual Amendments

- F8 Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 14 para. 6**

38^{F9}

Textual Amendments

- F9 [S. 38](#) repealed by [Criminal Justice Act 1972 \(c. 71\)](#), **Sch. 6 Pt. II**

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