



Prison Act 1952

1952 CHAPTER 52

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 Prison Commissioners.

34 Jurisdiction of sheriff, etc.

- (1) The transfer under the 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 prison provided by him in pursuance of this Act, shall be deemed to be the prison of that county or place.

35 Legal estate in prison

- (1) The legal estate in every prison and in all real and personal property belonging to a prison shall be vested in the Prison Commissioners.
- (2) The Prison Commissioners shall not dispose of the legal estate in any property vested in them by virtue of this section except in accordance with directions given to them by the Secretary of State with the consent of the Treasury.

36 Acquisition of land for prisons

- (1) The Prison Commissioners may, with the consent of the Secretary of State, purchase by agreement, or may be authorised by the Secretary of State to purchase 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).
- (2) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory purchase of land by the Prison Commissioners under this section and for that purpose shall have effect as if the Prison Commissioners were a local authority, as if this Act had been in force immediately before the commencement of that Act, and as if references in that Act to a Minister included references to the Secretary of State.
- (3) In relation to the purchase of land by agreement under this section, the Lands Clauses Acts (except the provisions relating to the purchase of land otherwise than by agreement and the provisions relating to access to the special Act, and except sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845) shall be incorporated with this section, and in construing those Acts as so incorporated this section shall be deemed to be the special Act and references to the promoters of the undertaking shall be construed as references to the Prison Commissioners.

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 Borstal institution.

38 Re-conveyance of closed prisons

- (1) Where a prison existing before the first day of April, eighteen hundred and seventy-eight is closed, the Secretary of State shall serve notice on the appropriate authority that he will, if the authority so requests within such period, not being less than six months, from the service of the notice as may be stated in the notice, cause the prison to be conveyed to the authority on payment by them into the Exchequer of an amount

calculated in accordance with subsections (4) and (5) of this section together with an amount equal to the compensation, if any, which the authority to which the prison belonged immediately before the commencement of the Prison Act, 1877, may have received, out of moneys provided by Parliament in respect of their having provided a prison more than adequate for the accommodation of the prisoners belonging to them.

- (2) Where the appropriate authority does not request as aforesaid or fails to pay or to secure to the satisfaction of the Secretary of State the payment of the amounts mentioned in the preceding subsection, the Secretary of State shall cause the prison to be sold and shall apply the proceeds, after deducting the expenses of the sale, by paying into the Exchequer the amounts mentioned in the preceding subsection and by paying the balance, if any, to the appropriate authority.
- (3) For the purposes of this section the appropriate authority may borrow, and the Public Works Loan Commissioners may lend to the authority, at such rate of interest as the Treasury may determine to be sufficient to prevent any loss to the Exchequer, such sum as may be required, subject to the condition that the whole amount so borrowed shall be discharged within a period not exceeding thirty-five years.
- (4) Subject to the next following subsection, the first amount mentioned in subsection (1) of this section shall be equal to one hundred and twenty pounds multiplied by the number of prisoners belonging to the prison authority mentioned in that subsection for whom separate cell accommodation was provided in the prison on the twelfth day of July, eighteen hundred and seventy-seven.
- (5) Where the prison was not the only prison belonging on the said day to the said prison authority and separate cell accommodation could have been provided on that day in any other such prison for prisoners of that authority, then, if the number of prisoners for whom cell accommodation could then have been so provided is equal to or exceeds the average daily number of prisoners maintained at the expense of the authority (whether in their own or any other prisons) during the five years immediately preceding the first day of January, eighteen hundred and seventy-seven, no sum shall be payable by the authority in respect of the first amount mentioned in subsection (1) of this section, and if the first-mentioned number is less than the said average number, the amount specified in subsection (4) of this section shall be reduced proportionately.
- (6) Any sum payable by an appropriate authority in pursuance of this section shall be a debt due to the Crown.
- (7) In this section the expression " the appropriate authority " means, in relation to any prison which immediately before the commencement of the Prison Act, 1877, belonged to the City of London or a municipal borough, the common council of the City of London or the council of that borough respectively, and in relation to any prison which then belonged to any other authority, the council of the county to which the property of that authority was transferred by the Local Government Act, 1888.