



Prison Act 1952

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

Offences

[^{F1}40CB Throwing articles into prison

- (1) A person who, without authorisation, throws any article or substance into a prison is guilty of an offence.
- (2) For the purposes of subsection (1)—
 - (a) the reference to an article or substance does not include a reference to a List A article, a List B article or a List C article (as defined by section 40A);
 - (b) the reference to “throwing” an article or substance into a prison includes a reference to doing anything from outside the prison that results in the article or substance being projected or conveyed over or through a boundary of the prison so as to land inside the prison.
- (3) In proceedings for an offence under this section it is a defence for the accused to show that—
 - (a) he reasonably believed that he had authorisation to do the act in respect of which the proceedings are brought, or
 - (b) in all the circumstances there was an overriding public interest which justified the doing of that act.
- (4) A person guilty of an offence under subsection (1) is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine (or both);
 - (b) on summary conviction, to imprisonment for a term not exceeding [^{F2}the general limit in a magistrates’ court] or to a fine (or both).
- (5) In this section “authorisation” means authorisation given for the purposes of this section; and subsections (1) to (3) of section 40E apply in relation to authorisations so given as they apply to authorisations given for the purposes of section 40D.]

Changes to legislation: Prison Act 1952, Section 40CB is up to date with all changes known to be in force on or before 17 September 2023. 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) [View outstanding changes](#)

Textual Amendments

- F1** S. 40CB inserted (10.11.2015) by [Serious Crime Act 2015 \(c. 9\)](#), **ss. 79, 88(1)** (with s. 86(14)(15)); [S.I. 2015/1809](#), reg. 3
- F2** Words in s. 40CB(4)(b) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1** table

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 47(1A) inserted by [2012 c. 10 s. 129\(2\)](#)
- s. 47(1A) modified (temp.) by [2012 c. 10 s. 129\(10\)](#)
- s. 47(1A) modified (temp.) by [2012 c. 10 s. 129\(11\)\(a\)](#)
- s. 47(1A)(a) words inserted by [2015 c. 2 Sch. 9 para. 3\(3\)](#)
- s. 47(6) inserted by [2012 c. 10 s. 129\(3\)](#)
- s. 47A inserted by [2012 c. 10 s. 129\(4\)](#)
- s. 47A modified (temp.) by [2012 c. 10 s. 129\(11\)\(b\)](#)
- s. 55(4A) repealed by [2006 c. 13 s. 46\(2\)\(a\)Sch. 3](#)