



Prison Act 1952

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

Miscellaneous

49 Persons unlawfully at large.

- (1) Any person who, having been sentenced to imprisonment, . . . ^{F1}[^{F2}custody for life or youth custody]or ordered to be detained in a detention centre [^{F3}or a young offenders institution][^{F4}or a secure training 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, . . . ^{F1} or [^{F5}youth custody], or ordered to be detained in a [^{F6}young offenders institution or in a secure training 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 [^{F7}place in which he is required in accordance with law to be detained]:

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 [^{F8}in the United Kingdom]in a prison [^{F9}remand centre, young offenders institution or secure training centre;]
 - (b) ^{F10}
 - (c) . . . ^{F11}
- (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

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Changes to legislation: Prison Act 1952, Section 49 is up to date with all changes known to be in force on or before 26 May 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)

was temporarily released has expired or if an order recalling him has been made by the [F12Secretary of State]in pursuance of the rules.

Textual Amendments

- F1** Words repealed by [Criminal Justice Act 1967 \(c. 80\)](#), **Sch. 7 Pt. I**
- F2** Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 14 para. 8(a)**
- F3** Words inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 14 para. 87(a)**
- F4** Words in [s. 49\(1\)](#) inserted (1.3.1998) by [1994 c. 33, s. 168\(2\)](#), **Sch. 10 para. 9(2)**; [S.I. 1998/277](#), **art. 2(2)**
- F5** Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 14 para. 8(b)(i)**
- F6** Words in [s. 49\(2\)](#) substituted (1.3.1998) by [1994 c. 33, s. 168\(2\)](#), **Sch. 10 para. 9(3)**; [S.I. 1998/277](#), **art. 2(2)**
- F7** Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 14 para. 8(b)(ii)**
- F8** Words inserted by [Criminal Justice Act 1961 \(c. 39\)](#), **Sch. 4**
- F9** Words in proviso (a) to [s. 49\(2\)](#) substituted (1.3.1998) by [1994 c. 33, s. 168\(2\)](#), **Sch. 10 para. 9(4)**; [S.I. 1998/277](#), **art. 2(2)**
- F10** [S. 49\(2\)\(b\)](#) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 16**
- F11** [S. 49\(2\)](#) proviso (c) repealed by [Criminal Justice Act 1961 \(c. 39\)](#), **Sch. 5**
- F12** Words substituted by [S.I. 1963/597](#), **Sch. 1**

Modifications etc. (not altering text)

- C1** [S. 49](#) excluded by [Naval Discipline Act 1957 \(c. 53\)](#), **s. 88(4)**; amended by [Criminal Justice Act 1967 \(c. 80\)](#), **s. 69(2)**
- C2** [S. 49](#) applied (5.9.1995) by [1995 c. 16, s. 1\(5\)\(6\)](#); [S.I. 1995/2021](#), **art. 2**
- C3** [S. 49\(1\)](#) extended by [Criminal Justice Act 1961 \(c. 39\)](#), **s. 30(1)(2)**
- C4** [S. 49\(1\)](#) extended (U.K, Channel Islands) (1.10.1997) by [1997 c. 43, s. 41](#), **Sch. 1 Pt. III para. 17(1)(a)**; [S.I. 1997/2200](#), **art. 2(1)(g)** (with art. 5)
- C5** [S. 49\(2\)](#) amended by [Mental Health Act 1959 \(c. 72\)](#), **s. 75(4)**
- C6** [S. 49\(2\)](#) amended by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), **s. 50(4)**
- C7** Proviso (a) to [s. 49\(2\)](#) amended (1.10.1997) by [1997 c. 43, s. 41](#), **Sch. 1 Pt. III para. 17(6)(a)**; [S.I. 1997/2200](#), **art. 2(1)(g)** (with art. 5)

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