



Prison Act 1952

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

Supplemental

52 Exercise of power to make orders, rules and regulations.

- (1) Any power of the Secretary of State to make rules or regulations under this Act and the power of the Secretary of State to make an order under section thirty-four^{F1}[^{F2}... or 40A] of this Act [^{F3}or under Schedule A1 to this Act] shall be exercisable by statutory instrument.
- (2) Any statutory instrument containing regulations made under section sixteen^{F4}... . . .^{F5} shall be laid before Parliament.
- [^{F6}(2A) A statutory instrument containing an order under section 40A(7) which relates to List A (whether or not it also relates to List B) shall not be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.
- (2B) A statutory instrument containing an order under section 40A(7) which relates only to List B is subject to annulment in pursuance of a resolution of either House of Parliament.]
- [^{F7}(2C) A statutory instrument containing regulations under section 16A(4) shall not be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.]
- [^{F8}(2A) A statutory instrument containing an order under Schedule A1 to this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.]
- (3) The power of the Secretary of State to make an order under section six or section thirty-four of this Act [^{F9}or under Schedule A1 to this Act] shall include power to revoke or vary such an order.
- [^{F10}(4) A statutory instrument containing rules under section 47 or 47A is subject to annulment in pursuance of a resolution of either House of Parliament, subject to subsection (5).

Changes to legislation: Prison Act 1952, Section 52 is up to date with all changes known to be in force on or before 06 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) View outstanding changes

- (5) A statutory instrument containing rules under section 47 that (whether alone or with other provision)—
- (a) authorise a secure college custody officer performing custodial duties at a secure college to use reasonable force, or
 - (b) otherwise make a substantive change to the circumstances in which such an officer is authorised to do so,
- may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (6) In subsection (5), “secure college custody officer” has the same meaning as in Schedule 10 to the Criminal Justice and Courts Act 2015.]

Textual Amendments

- F1** Word in s. 52(1) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 84(5)(a)**, 115(3)(j)
- F2** Words in s. 52(1) substituted (1.4.2008) by [Offender Management Act 2007 \(c. 21\)](#), **ss. 22(2)(a)**, 41(1); S.I. 2008/504, art. 3(h)
- F3** Words in s. 52(1) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 14 para. 1(2)**; S.I. 2007/709, art. 3(p) (with art. 6)
- F4** Words in s. 52(2) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 84(5)(b)**, 115(3)(j)
- F5** Words repealed by [Criminal Justice Act 1967 \(c. 80\)](#), **Sch. 7 Pt. I**
- F6** S. 52(2A)(2B) inserted (1.4.2008) by [Offender Management Act 2007 \(c. 21\)](#), **ss. 22(2)(b)**, 41(1); S.I. 2008/504, art. 3(h)
- F7** S. 52(2C) inserted (8.12.2021) by [Prisons \(Substance Testing\) Act 2021 \(c. 18\)](#), **ss. 2(2)(b)**, 3(2); S.I. 2021/1280, reg. 2
- F8** S. 52(2A) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 14 para. 1(3)**; S.I. 2007/709, art. 3(p) (with art. 6)
- F9** Words in s. 52(3) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 14 para. 1(4)**; S.I. 2007/709, art. 3(p) (with art. 6)
- F10** S. 52(4)-(6) inserted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 10 para. 28**; S.I. 2015/778, art. 2(1)(d)

Changes to legislation:

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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](#)