



Prison Act (Northern Ireland) 1953

1953 CHAPTER 18

OFFENCES

[^{F1}34C Other offences relating to prison security

- (1) A person who, without authorisation—
 - (a) takes a photograph, or makes a sound-recording, inside a prison, or
 - (b) transmits, or causes to be transmitted, any image or any sound from inside a prison by electronic communications for simultaneous reception outside the prison,is guilty of an offence.
- (2) It is immaterial for the purposes of subsection (1)(a) where the recording medium is located.
- (3) A person who, without authorisation—
 - (a) brings or otherwise conveys a restricted document out of a prison or causes such a document to be brought or conveyed out of a prison, or
 - (b) transmits, or causes to be transmitted, a restricted document (or any information derived from a restricted document) from inside a prison by means of electronic communications,is guilty of an offence.
- (4) 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.
- (5) A person guilty of an offence under this section is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine (or both); or

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- (b) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum (or both).
- (6) In this section “authorisation” means authorisation given for the purposes of this section—
- (a) in relation to all prisons or prisons of a description specified in the authorisation, by prison rules or by the [^{F2}Department];
 - (b) in relation to a particular prison—
 - (i) by the [^{F2}Department]
 - (ii) by the governor of the prison;
 - (iii) by a person working at the prison who is authorised by the governor to grant authorisation on his behalf.
- (7) Authorisation may be given—
- (a) to persons generally or to specified persons or persons of a specified description; and
 - (b) on such terms as may be specified.
- In this subsection “specified” means specified in the authorisation.
- (8) Authorisation given by or on behalf of the governor of a prison must be in writing.
- (9) In this section “restricted document” means the whole (or any part of)—
- (a) a photograph taken inside the prison;
 - (b) a sound-recording made inside the prison;
 - (c) a personal record (or a document containing information derived from a personal record);
 - (d) any other document which contains—
 - (i) information relating to an identified or identifiable relevant individual, if the disclosure of that information would or might prejudicially affect the interests of that individual; or
 - (ii) information relating to any matter connected with the prison or its operation, if the disclosure of that information would or might prejudicially affect the security or operation of the prison.
- (10) In subsection (9)—
- “personal record” means any record which is required by prison rules to be prepared and maintained in relation to any prisoner (and it is immaterial whether or not the individual concerned is still a prisoner at the time of any alleged offence);
- “relevant individual” means an individual who is or has at any time been—
- (a) a prisoner or a person working at the prison; or
 - (b) a member of such a person's family or household.
- (11) In this section—
- “document” means anything in which information is recorded (by whatever means);
- “electronic communications” has the same meaning as in the Electronic Communications Act (Northern Ireland) 2001 (c. 9);
- “photograph” means a recording on any medium on which an image is produced or from which an image (including a moving image) may by any means be produced; and

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“sound-recording” means a recording of sounds on any medium from which the sounds may by any means be reproduced.]

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| <p>F1 S. 34C inserted (19.12.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 78; S.R. 2008/472, art. 2(2), Sch. Pt. II</p> <p>F2 Word in s. 34C substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(1), Sch. 4 para. 2(5) (with arts. 28-31); S.I. 2010/977, art. 1(2)</p> |
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