

*These notes refer to the Offender Management Act 2007
(c.21) which received Royal Assent on 26 July 2007*

OFFENDER MANAGEMENT ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Prisons

Section 23: Other offences relating to prison security

111. This section inserts new sections 40D and 40E to the Prison Act 1952. These new sections create new offences of taking a photograph or making sound recordings within a prison or transmitting images or sounds from a prison without authorisation. It also creates an offence of taking a restricted document out of a prison.
112. New section 40D creates the offence of taking a photograph or making sound recordings in a prison or transmitting any image or sound by electronic communications. *Subsection (3)* creates offences designed to prohibit the conveyance or transmission of restricted documents out of a prison. *Subsection (4)* provides for defences where the accused individual reasonably believed he had authorisation or where there was an overriding public interest which justified the doing of the prohibited act. *Subsection (5)* sets out the maximum penalty and mode of trial for the new offences.
113. New section 40E gives details of how an authorisation may be given and by whom. It also provides definitions of terms used in the new sections and makes minor repeals of, and consequential amendments to, the Prison Act 1952.