



Prison Act 1952

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

Confinement and treatment of prisoners

12 Place of confinement of prisoners.

- (1) A prisoner, whether sentenced to imprisonment or committed to prison on remand or pending trial or otherwise, may be lawfully confined in any prison.
- (2) Prisoners shall be committed to such prisons as the Secretary of State may from time to time direct; and may by direction of the Secretary of State be removed during the term of their imprisonment from the prison in which they are confined to any other prison.
- (3) A writ, warrant or other legal instrument addressed to the governor of a prison and identifying that prison by its situation or by any other sufficient description shall not be invalidated by reason only that the prison is usually known by a different description.

Modifications etc. (not altering text)

- C1** S. 12(1)(2) modified (31.10.1991) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\), s. 87\(5\)](#); [S.I. 1991/2208, art. 2\(4\), Sch. 3](#)
S. 12(2): certain functions made exercisable by the Youth Justice Board for England and Wales concurrently with the Secretary of State (20.4.2000) by [S.I. 2000/1160, art. 4\(1\)\(2\)\(b\)](#)
- C2** S. 12(3) modified (31.10.1991) by [Criminal Justice Act 1991 \(c.53, SIF 39:1\), s. 87\(4\)](#); [S.I. 1991/2208, art. 2\(4\), Sch. 3](#)

13 Legal custody of prisoner.

- (1) Every prisoner shall be deemed to be in the legal custody of the governor of the prison.
- (2) A prisoner shall be deemed to be in legal custody while he is confined in, or is being taken to or from, any prison and while he is working, or is for any other reason, outside the prison in the custody or under the control of an officer of the prison [^{F1}and while he is being taken to any place to which he is required or authorised by or under this Act [^{F2}or section 95, 98, 99 or 108(5) of the Powers of Criminal Courts (Sentencing)

Changes to legislation: Prison Act 1952, Cross Heading: Confinement and treatment of prisoners is up to date with all changes known to be in force on or before 09 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) View outstanding changes

Act 2000][^{F3}or section 271, 276 or 329 of the Sentencing Code] to be taken, or is kept in custody in pursuance of any such requirement or authorisation].

Textual Amendments

- F1** Words added by [Criminal Justice Act 1961 \(c. 39\)](#), [Sch. 4](#)
- F2** Words in s. 13(2) substituted (25.8.2000) by [2000 c. 6](#), ss. 165(1), 168(1), [Sch. 9 para. 4](#)
- F3** Words in s. 13(2) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 4](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Modifications etc. (not altering text)

- C3** S. 13(1) modified (31.10.1991) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), [s. 87\(4\)](#); [S.I. 1991/2208](#), [art. 2\(4\)](#), [Sch. 3](#)
- C4** S. 13(2) modified (31.10.1991) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), [s. 87\(6\)](#); [S.I. 1991/2208](#), [art. 2\(4\)](#), [Sch. 3](#)
S. 13(2) modified (3.11.1994) by [1994 c. 33](#), [ss. 11\(3\)\(4\)](#), [172\(4\)](#)
S. 13(2) modified (3.11.1994) by [1991 c. 53](#), [s. 88A](#) (as inserted (3.11.1994) by [1994 c. 33](#), [ss. 99](#), [172\(4\)](#))
- C5** S. 13(2) applied (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 10 para. 22](#); [S.I. 2015/778](#), [art. 2\(1\)\(d\)](#)

14 Cells.

- (1) The Secretary of State shall satisfy himself from time to time that in every prison sufficient accommodation is provided for all prisoners.
- (2) No cell shall be used for the confinement of a prisoner unless it is certified by an inspector that its size, lighting, heating, ventilation and fittings are adequate for health and that it allows the prisoner to communicate at any time with a prison officer.
- (3) A certificate given under this section in respect of any cell may limit the period for which a prisoner may be separately confined in the cell and the number of hours a day during which a prisoner may be employed therein.
- (4) The certificate shall identify the cell to which it relates by a number or mark and the cell shall be marked by that number or mark placed in a conspicuous position; and if the number or mark is changed without the consent of an inspector the certificate shall cease to have effect.
- (5) An inspector may withdraw a certificate given under this section in respect of any cell if in his opinion the conditions of the cell are no longer as stated in the certificate.
- (6) In every prison special cells shall be provided for the temporary confinement of refractory or violent prisoners.

Modifications etc. (not altering text)

- C6** S. 14 amended by substitution for any reference to an inspector of a reference to an officer (not being an officer of a prison) acting on behalf of the Secretary of State: [S.I. 1963/597](#), [Sch. 1](#)
- C7** S. 14(2) modified (31.10.1991) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), [s. 87\(7\)](#); [S.I. 1991/2208](#), [art. 2\(4\)](#), [Sch. 3](#)
S. 14(2) modified (3.11.1994) by [1991 c. 53](#), [s. 8A](#) (as inserted (3.11.1994) by [1994 c. 33](#), [ss. 99](#), [172\(4\)](#))

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C8 S. 14(6) applied with modifications by [S.I. 1988/1422](#), [rule 48\(3\)](#)

15^{F4}

Textual Amendments

F4 Ss. 15, 18 repealed by [Criminal Justice Act 1967 \(c. 80\)](#), [Sch. 7 Pt. I](#)

16 **Photographing and measuring of prisoners.**

The Secretary of State may make regulations as to the measuring and photographing of prisoners and such regulations may prescribe the time or times at which and the manner and dress in which prisoners shall be measured and photographed and the number of copies of the measurements and photographs of each prisoner which shall be made and the persons to whom they shall be sent.

[^{F5}16A Testing prisoners for drugs [^{F6}, psychoactive substances and other substances].

- (1) If an authorisation is in force for the prison, any prison officer may, at the prison, in accordance with prison rules, require any prisoner who is confined in the prison to provide a sample of urine for the purpose of ascertaining whether [^{F7}the prisoner has in their body any—
 - (a) controlled drug,
 - (b) pharmacy medicine,
 - (c) prescription only medicine,
 - (d) psychoactive substance, or
 - (e) specified substance].
- (2) If the authorisation so provides, the power conferred by subsection (1) above shall include power to require a prisoner to provide a sample of any other description specified in the authorisation, not being an intimate sample, whether instead of or in addition to a sample of urine.

[The Secretary of State may use any prisoners' samples to test, on an anonymised basis, ^{F8}(2A) for the prevalence of the following substances in prisons—

- (a) controlled drugs,
- (b) medicinal products,
- (c) psychoactive substances, or
- (d) specified substances.]

(3) In this section—

“authorisation” means an authorisation by the governor;
[^{F9}“controlled drug” means] any drug which is a controlled drug for the purposes of the ^{M1}Misuse of Drugs Act 1971 ^{F10} ...;
“intimate sample” has the same meaning as in Part V of the ^{M2}Police and Criminal Evidence Act 1984;
[^{F11}“medicinal product” has the meaning given in regulation 2 of the Human Medicines Regulations 2012;

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“pharmacy medicine” has the meaning given in regulation 8 of the Human Medicines Regulations 2012;

“prescription only medicine” has the meaning given in regulation 8 of the Human Medicines Regulations 2012;]

“prison officer” includes a prisoner custody officer within the meaning of Part IV of the Criminal Justice Act 1991,^{F12}...

“prison rules” means rules under section 47 of this Act;

[^{F13}“prisoners' samples” means any sample—

- (a) provided under subsection (1) or (2), or
- (b) provided by prisoners voluntarily;

“psychoactive substance” has the same meaning as in the Psychoactive Substances Act 2016;]

[^{F14}[^{F15}“specified substance” means] any substance or product specified in prison rules for the purposes of this section.]

[^{F16}(4) The Secretary of State may, by regulations, make such amendments of this section or section 47 as the Secretary of State considers appropriate in consequence of—

- (a) the amendment or revocation of the Human Medicine Regulations 2012, or
- (b) the making, amendment or revocation of any other subordinate legislation (whenever made) which relates to human medicines.

(5) In subsection (4) “subordinate legislation” has the same meaning as in the Interpretation Act 1978.]

Textual Amendments

- F5** S. 16A and sidenote inserted (9.1.1995) by 1994 c. 33, s. 151(1); S.I. 1994/3192, art. 2, Sch.
- F6** Words in s. 16A title inserted (8.12.2021) by Prisons (Substance Testing) Act 2021 (c. 18), ss. 1(2), 3(2); S.I. 2021/1280, reg. 2
- F7** Words in s. 16A(1) substituted (8.12.2021) by Prisons (Substance Testing) Act 2021 (c. 18), ss. 1(3), 3(2); S.I. 2021/1280, reg. 2
- F8** S. 16A(2A) inserted (8.12.2021) by Prisons (Substance Testing) Act 2021 (c. 18), ss. 1(4), 3(2); S.I. 2021/1280, reg. 2
- F9** Words in s. 16A(3) substituted (8.12.2021) by Prisons (Substance Testing) Act 2021 (c. 18), ss. 1(5)(a)(i), 3(2); S.I. 2021/1280, reg. 2
- F10** Words in s. 16A(3) omitted (8.12.2021) by virtue of Prisons (Substance Testing) Act 2021 (c. 18), ss. 1(5)(a)(ii), 3(2); S.I. 2021/1280, reg. 2
- F11** Words in s. 16A(3) inserted (8.12.2021) by Prisons (Substance Testing) Act 2021 (c. 18), ss. 1(5)(b), 3(2); S.I. 2021/1280, reg. 2
- F12** Word in s. 16A(3) omitted (13.4.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), ss. 16(2)(b), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 12
- F13** Words in s. 16A(3) inserted (8.12.2021) by Prisons (Substance Testing) Act 2021 (c. 18), ss. 1(5)(c), 3(2); S.I. 2021/1280, reg. 2
- F14** Words in s. 16A(3) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 16(2)(c), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 12
- F15** Words in s. 16A(3) substituted (8.12.2021) by Prisons (Substance Testing) Act 2021 (c. 18), ss. 1(5)(d), 3(2); S.I. 2021/1280, reg. 2
- F16** S. 16A(4)(5) inserted (8.12.2021) by Prisons (Substance Testing) Act 2021 (c. 18), ss. 2(2)(a), 3(2); S.I. 2021/1280, reg. 2

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Marginal Citations

- M1** 1971 c. 38.
- M2** 1984 c. 60.

[^{F17} **16B** ^{F17} **Power to test prisoners for alcohol.**]

- (1) If an authorisation is in force for the prison, any prison officer may, at the prison, in accordance with prison rules, require any prisoner who is confined in the prison to provide a sample of breath for the purpose of ascertaining whether he has alcohol in his body.
- (2) If the authorisation so provides, the power conferred by subsection (1) above shall include power—
 - (a) to require a prisoner to provide a sample of urine, whether instead of or in addition to a sample of breath, and
 - (b) to require a prisoner to provide a sample of any other description specified in the authorisation, not being an intimate sample, whether instead of or in addition to a sample of breath, a sample of urine or both.

(3) In this section—

- “authorisation” means an authorisation by the governor;
- “intimate sample” has the same meaning as in Part V of the ^{M3}Police and Criminal Evidence Act 1984;
- “prison officer” includes a prisoner custody officer within the meaning of Part IV of the ^{M4}Criminal Justice Act 1991;
- “prison rules” means rules under section 47 of this Act.]]

Textual Amendments

- F5** S. 16A and sidenote inserted (9.1.1995) by 1994 c. 33, s. 151(1); S.I. 1994/3192, art. 2, Sch.
- F17** S. 16B and sidenote inserted (21.5.1997) by 1997 c. 38, ss. 1, 3(2)

Marginal Citations

- M3** 1984 c. 60.
- M4** 1991 c. 53.

^{F18}**17** **Painful tests.**

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Textual Amendments

- F18** S. 17 repealed (1.11.2007) by Offender Management Act 2007 (c. 21), ss. 25(3), 41(1), Sch. 5 Pt. 2; S.I. 2007/3001, art. 2(1)(f)(t)

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Textual Amendments

F19 Ss. 15, 18 repealed by [Criminal Justice Act 1967 \(c. 80\)](#), **Sch. 7 Pt. I**

19 Right of justice to visit prison.

- (1) A justice of the peace for [^{F20}assigned to any local justice area] . . . ^{F21} may at any time visit any prison in that [^{F22}area] . . . ^{F21} and any prison in which a prisoner is confined in respect of an offence committed in that [^{F22}area] . . . ^{F21} and may examine the condition of the prison and of the prisoners and enter in the visitors' book, to be kept by the governor of the prison, any observations on the condition of the prison or any abuses.
- (2) Nothing in the preceding subsection shall authorise a justice of the peace to communicate with any prisoner except on the subject of his treatment in the prison,
^{F23}
.....
- (3) The governor of every prison shall bring any entry in the visitors' book to the attention of the [^{F24}independent monitoring board] at their next visit.

Textual Amendments

- F20** Words in s. 19(1) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), **Sch. 8 para. 94(2)**; S.I. 2005/910, art. 3(y)
- F21** Words repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**
- F22** Words in s. 19(1) substituted (27.9.1999) by 1999 c. 22, ss. 76(2), 108(3)(c), **Sch. 10 para. 21(a)(b)** (with [Sch. 14 para. 7\(2\)](#))
- F23** Words in s. 19(2) repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 8 para. 94\(3\)](#), **Sch. 10**; S.I. 2005/910, art. 3(y)
- F24** Words in s. 19(3) substituted (1.11.2007) by [Offender Management Act 2007 \(c. 21\)](#), s. 41(1), **Sch. 3 para. 6**; S.I. 2007/3001, art. 2(1)(r)

Modifications etc. (not altering text)

- C9** S. 19(1)(3) modified (31.10.1991) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. **87(4)**; S.I. 1991/2208, art. 2(4), **Sch. 3**
- S. 19(1) modified (1.4.1996) by S.I. 1996/674, reg. 2, **Sch. Pt. II para. 5(2)(l)**
- S. 19(1) modified (1.4.1996) by S.I. 1996/675, art. 2, **Sch. Pt. II para. 7(2)(l)**

20^{F25}

Textual Amendments

F25 S. 20 repealed by [Courts Act 1971 \(c. 23\)](#), **Sch. 11 Pt. IV**

21 Expenses of conveyance to prison.

A prisoner shall not in any case be liable to pay the cost of his conveyance to prison.

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Modifications etc. (not altering text)

- C10** S. 21 excluded (26.1.2004 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 186\(1\), 336\(3\)\(4\)](#); [S.I. 2003/3282](#), [art. 2](#), [Sch.](#)

22 Removal of prisoners for judicial and other purposes.

- (1) Rules made under section forty–seven of this Act may provide in what manner an appellant within the meaning of [^{F26}Part I of the ^{M5}Criminal Appeal Act 1968]when in custody, is to be taken to, kept in custody at, and brought back from, any place at which he is entitled to be present for the purposes of that Act, or any place to which the Court of Criminal Appeal or any judge thereof may order him to be taken for the purpose of any proceedings of that court.
- (2) The Secretary of State may—
- (a) . . . ^{F27}
- (b) if he is satisfied that a person so detained requires [^{F28}medical investigation or observation or]medical or surgical treatment of any description, direct him to be taken to a hospital or other suitable place for the purpose of the [^{F28}:investigation, observation or]treatment;

and where any person is directed under this subsection to be taken to any place he shall, unless the Secretary of State otherwise directs, be kept in custody while being so taken, while at that place, and while being taken back to the prison in which he is required in accordance with law to be detained.

Textual Amendments

- F26** Words substituted by [Criminal Appeal Act 1968 \(c. 19\)](#), [Sch. 5](#)
- F27** S. 22(2)(a) repealed by [Criminal Justice Act 1961 \(c. 39\)](#), [Sch. 5](#)
- F28** Words inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 14 para. 5](#)

Marginal Citations

- M5** [1968 c. 19](#).

23 Power of constable etc. to act outside his jurisdiction.

For the purpose of taking a person to or from any prison under the order of any authority competent to give the order a constable or other officer may act outside the area of his jurisdiction and shall notwithstanding that he is so acting have all the powers, authority, protection and privileges of his office.

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](#)