



# Prison Act 1952

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

## *Confinement and treatment of prisoners*

### 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 [<sup>F1</sup>and while he is being taken to any place to which he is required or authorised by or under this Act [<sup>F2</sup>or section 95, 98, 99 or 108(5) of the Powers of Criminal Courts (Sentencing) Act 2000][<sup>F3</sup>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)

- C1** 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](#)
- C2** 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))
- C3** 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)

**Changes to legislation:**

Prison Act 1952, Section 13 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- s. 13(2) by [2000 c. 43 Sch. 7 para. 8](#)

**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](#)