Prison Act (Northern Ireland) 1953 [F1]

1953 CHAPTER 18

An Act to repeal and re-enact with amendments certain enactments relating to the confinement and treatment of prisoners, the administration of prisons, and offences arising in connection therewith; and for purposes connected with the matters aforesaid. [19th May 1953]

F1 1968 c. 29 (NI)

ADMINISTRATIVE PROVISIONS

1 Functions of the Ministry in relation to prisons and prisoners.

(1) The **[**[F2] Department of Justice (in this Act referred to as "the Department")**]** shall be the authority responsible for providing and maintaining prisons and for the general regulation, direction and superintendence of prisons and prisoners.

(2) Without prejudice to the foregoing sub-section, the **[**[F3]Department**]** shall continue to exercise and perform, subject to the provisions of this Act, all such powers, jurisdiction and duties as were heretofore exercised and performed by the **[**[F4]Ministry of Home Affairs**]** in relation to prisons and prisoners.

F2 Words in s. 1(1) 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(1)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

F3 Word in s. 1(2) 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(2)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

F4 Words in s. 1(2) 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(2)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

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[F5 1A Powers of the Secretary of State

(1) For purposes connected with any matter mentioned in subsection (2), the Secretary of State may continue to exercise the functions (except functions under prison rules) which the Secretary of State had by virtue of this Act immediately before the coming into force of the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (notwithstanding the transfer of those functions to the Department by virtue of that Order).

(2) The matters are—

(a) activities regulated by, or otherwise relating to the subject matter of, Parts 1 to 3 of the Regulation of Investigatory Powers Act 2000 [F6], including (in particular) in relation to information obtained through any such activities—

(i) the taking of decisions on the basis of the information;

(ii) the controlling of access to the information;

(iii) the holding and use of the information (so far as not covered by sub-paragraphs (i) and (ii));

(b) where at any time the accommodation of prisoners in separated conditions on the grounds of security, safety or good order is provided for, decisions about whether a prisoner is to be so accommodated or is to cease to be so accommodated, including (in particular) the setting of any criteria upon which such decisions are to be based;

(c) national security, including (in particular)—

(i) the taking of decisions on the basis of protected information;

(ii) the controlling of access to protected information;

(iii) the holding and use of protected information (so far as not covered by sub-paragraphs (i) and (ii)).

"Protected information" means information the disclosure of which may, in the opinion of the Secretary of State, be against the interests of national security.

(3) In particular, the Secretary of State may continue to make prison rules.

(4) The Department must exercise its functions subject to any thing done by the Secretary of State under subsection (1) and, in particular, prison rules made by the Department have effect subject to prison rules made by the Secretary of State.

(5) Before making prison rules the Secretary of State or the Department (as the case may be) must consult the other.

(6) Prison rules may, in particular, confer or impose functions on the Secretary of State.

(7) The Secretary of State may from time to time, for purposes connected with any matter mentioned in subsection (2) and after consultation with the Department, give a direction setting out arrangements under which officers of the Department (including persons appointed under section 2(2)) who have duties in relation to prisons or prisoners are (so far as provided by, and in accordance with, the arrangements) to be treated as officers of the Secretary of State (rather than of the Department) and subject to his direction and control accordingly; and the officers covered by the direction are to act accordingly.

(8) The arrangements may (in particular) provide for officers to exercise functions of the Secretary of State.**]**

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F5 S. 1A inserted (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. 3** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

F6 2000 c. 23.

Modifications etc. (not altering text)

C1 S. 1A(7) modified by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), art. 46(5) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), **Sch. 5 para. 29(3)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C2 S. 1A(8) modified by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), art. 46(5) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(2), **Sch. 5 para. 29(3)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

2 Administrative powers of the [F7Department].

(1) The **[**F7Department**]** shall have and may exercise all such powers as appear to it to be necessary for the proper administration and maintenance of any prison including the equipment, provisioning and supply thereof and the making of and giving effect to arrangements for the welfare, employment and training of prisoners.

(2) The **[**F7Department**]** shall appoint the governors F8. . . and such other officers and staff as appear to it to be necessary.

(3) The numbers, remuneration and conditions of service of persons so appointed shall be determined by the **[**F7Department**]** with the approval of the **[**F9Department of Finance and Personnel**]**.

(4) The **[**F7Department**]** may, with the approval of the **[**F10Department of Finance and Personnel**]**, enlarge, rebuild, repair or alter any prison and build new prisons.

(5) Where it appears to the **[**F7Department**]** to be necessary or expedient for the purpose of this Act that any land should be acquired, the **[**F7Department**]** may, with the approval of the **[**F11Department of Finance and Personnel**]**, acquire by agreement that land and any easement or right in or over any land adjacent thereto.

(6) The **[**F7Department**]**, with the approval of the **[**F12Department of Finance and Personnel**]**, may use, appropriate or dispose of in whatsoever manner it may think fit any premises which have ceased to be used as a prison.

F7 Word in s. 2 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(3)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

F8 Words in s. 2(2) repealed (16.7.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 73, 102(2), **Sch. 6 Pt. 3**; S.R. 2008/293, **art. 2**, Sch.

F9 Words in s. 2(3) 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(4)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

F10 Words in s. 2(4) 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(4)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

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F11 Words in s. 2(5) 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(4)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

F12 Words in s. 2(6) 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(4)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

3 F13 Lock-ups.

Where it appears to the **[**F14Department**]** to be necessary, the **[**F14Department**]** may provide and maintain suitable accommodation for the temporary detention of persons awaiting trial or sentence.

F13 S of S is resp.auth. for Belfast and Londonderry, 1954 c.9 (NI)

F14 Word in s. 3 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(3)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

4 Address of prison.

A writ, warrant or other legal instrument delivered 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.

5 Annual report.

[F15(1) The Department shall prepare an annual report on the administration of this Act and shall lay the report before the Assembly.**]**

(2) Each annual report shall contain—

(a) a statement of the condition of prisons and prisoners;

(b) a statement of the accommodation of each prison and the daily average and the highest number of prisoners contained therein;

(c) such particulars of the work done by prisoners in each prison, including the kind and quantities of articles produced and the number of prisoners employed, as may in the opinion of the **[**F16Department give the best information to the Assembly**]**;

(d) a statement of the punishments inflicted in each prison and of the offences for which they were inflicted …F17

F15 S. 5(1) 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. 4(a)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

F16 Words in s. 5(2)(c) 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. 4(b)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

F17 1976 NI 4

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6 Duty of governor to deliver calendar of prisoners.

The governor of every prison in which persons committed for trial before [F18 the Crown Court] are confined shall deliver to that court a calendar of those persons.

F18 1978 c. 23

S. 7 rep. by 2005 c. 12

8 Powers of prison officers.

Every officer of a prison shall while acting as such have all the powers, authority, protection and privileges of a constable.

9 Religious ministrations.

(1) Where in any prison the number of prisoners who belong to any religious denomination is such as in the opinion of the **[**F19Department**]** to require the appointment of a minister of that denomination, the **[**F19Department**]** may appoint such a minister to that prison.

(2) The **[**F19Department**]** may allow a minister of any denomination to visit prisoners of his denomination in a prison to which no minister of that denomination has been appointed under this section.

(3) No prisoner shall be visited against his will by a minister.

(4) Every prisoner shall be allowed, in accordance with the arrangements in force in the prison in which he is confined, to attend religious services held therein or to be visited by a minister of his denomination appointed to or permitted to visit prisoners under this section.

(5) The governor of a prison shall on the reception of each prisoner record the religious denomination, if any, to which the prisoner declared himself to belong and shall give to any minister who is appointed or permitted to visit prisoners under this section a list of the prisoners who have declared themselves to belong to his denomination; and a minister shall not be permitted to visit any other prisoners except with the permission of the governor at the special request of the prisoner concerned.

(6) There may be paid to ministers appointed to or permitted to visit prisons under this section such remuneration as the **[**F19Department**]** with the approval of the **[**F20Department of Finance and Personnel**]** may think reasonable.

F19 Word in s. 9 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(3)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

F20 Words in s. 9(6) 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(4)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**