ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

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C A P. XXXVIII.

An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in *England* and *Wales*; and for appointing Inspectors of Prisons in *Great Britain*.

[25th *August* 1835.]

WHEREAS by the Laws now in force Rules and Regulations made for the Government of certain Prisons, and for the Duties to be performed by the Officers of the same, are in *London* and *Middlesex* required to be submitted to the Two Chief Justices, and elsewhere to certain other Justices, for Approval, and to be approved of by them before they can be enforced: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no such Rules and Regulations made after the passing of this Act shall be required to be submitted for Approval, or to be approved of, otherwise than is herein-after mentioned.

Rules for Government of Prisons to be approved only as herein-after provided.

II. And be it enacted, That all Rules and Regulations which shall be made after the passing of this Act by the Court of Mayor and Aldermen of the City of *London*, Justices of the Peace, or other Persons whatsoever, which they are now by Law authorized to make for the Government of any Prisons in *England* and *Wales*, or

Manner in which such Rules are to be made and approved.

or for the Duties to be performed by the Officers of such Prisons, shall be submitted to One of His Majesty's Principal Secretaries of State, and it shall be lawful for such Secretary of State, if he thinks fit, to alter such Rules and Regulations, or to make additional Rules and Regulations thereto, and to subscribe a Certificate or Declaration that such Rules and Regulations as submitted to him, or altered or added to, are proper to be enforced; and when such Secretary of State shall have subscribed such Certificate or Declaration, such Rules and Regulations, Alterations and Additions, shall be binding upon the Sheriff and all other Persons, without any other Sanction or Approval: Provided also, that no Rule or Regulation, save as herein-after is mentioned, which, after the passing of this Act, shall be made for any Prison within *England* and *Wales*, or for the Duties to be performed by the Officers of such Prison, shall be enforced until a Certificate or Declaration shall have been duly subscribed by One of His Majesty's Principal Secretaries of State in manner aforesaid.

Justice of Peace empowered to commit Offenders to any House of Correction near the Place where the Assizes are to be holden at which they are to be tried.

III. Whereas great Inconvenience and Expence have been found to result from the Practice of committing to the Common Gaol of the County Persons charged with the Offences intended to be tried at the Assizes or Sessions holden for such County where such Assizes or Sessions are holden at Places distant from such Common Gaol, and it is expedient that the Law should be altered and amended; for Remedy thereof, be it enacted, That from and after the passing of this Act it shall be lawful for any Justice of the Peace or Coroner, acting within their several Jurisdictions in *England* and *Wales*, to commit for safe Custody to any House of Correction, situate near to the Place where such Assizes and Sessions are intended to be holden, any Person or Persons charged before them with any Offence triable at such Assizes or Sessions; and that whenever any such Persons shall be committed to any such House of Correction for Trial at such Assizes or Sessions, the Keeper of such House of Correction shall deliver to the Judges of Assize or Justices at Sessions a Calendar of all Prisoners in his Custody for Trial at such Assizes or Sessions respectively, in the same Way that the Sheriff of the County would be by Law required to do if such Prisoners had been committed to the Common Gaol of the County.

How Persons convicted of Offences for which they are liable to Death, &c. shall be disposed of.

IV. And be it further enacted, That whenever any Person shall be convicted at any Assizes or Sessions of any Offence for which he or she shall be liable either to the Punishment of Death, Transportation, or Imprisonment, it shall be lawful for the Court (if it shall so think fit) to commit such Person to any House of Correction for such County, in execution of his or her Judgment; and in case of the Commitment of any Person sentenced to Death, Execution of such Judgment shall and may be had and done by the Sheriff of the County; and in case of the Commitment of any Person either sentenced to Transportation, or pardoned for any Capital Offence on Condition of Transportation, all the Powers, Provisions, and Authorities for the Removal of Offenders sentenced to Transportation, given or granted by any former Act or Acts of Parliament to Sheriffs or Gaolers, shall be and the same are hereby extended and given to

the Keepers of Houses of Correction in whose Custody such last-mentioned Offenders shall be.

Clerks of Peace, &c. to transmit Copies of Prison Rules to Secretary of State, who may add to or alter the same.

V. And be it enacted, That on or before the First Day of *November* in every Year the Clerks of the Peace for every County, Riding, or Division of a County in *England* and *Wales*, the Clerks of every Gaol Sessions, and the Chief Magistrates of every City, Town, Borough, Port, or Liberty within *England* and *Wales*, now having any Prison, shall transmit Copies of all Rules and Regulations in force on the Twenty-fifth Day of *September* in such Year for the Government of every Prison for and belonging to their respective Counties, Ridings, or Divisions of Counties, Cities, Towns, Boroughs, Ports, and Liberties, to One of His Majesty's Principal Secretaries of State, together with Copies of such new or additional Rules and Regulations as may be proposed for the Government thereof; and that it shall be lawful for such Secretary of State to alter such Rules or Regulations, Copies whereof shall be transmitted to him in pursuance of this Act, and to make additional Rules or Regulations thereto, and to subscribe a Certificate or Declaration that such Rules and Regulations as transmitted to him, or altered or added to, are proper to be enforced; and the Rules and Regulations, Alterations and Additions so certified shall be binding upon Sheriffs and all other Persons; and the Clerks of the Peace for every County, Riding, or Division of a County in *England* and *Wales*, the Clerks of every Gaol Sessions, and the Chief Magistrates of every such City, Town, Borough, Port, and Liberty, are hereby required to lay before the Court of Quarter Sessions held next after the Twenty-fifth Day of *September* in every Year for their respective Counties, Ridings, Divisions of Counties, Cities, Towns, Boroughs, Ports, and Liberties on the first Day of such Sessions, like Copies of all Rules and Regulations in force on the Twenty-fifth Day of *September* in every Year for the Government of their respective Prisons.

Clerks of Peace, &c. to lay Copies of Prison Rules before the Court of Quarter Sessions.

In case Clerks of Peace, &c. neglect to transmit such Rules to the Secretary of State he may certify what Rules he may deem necessary for the Government of such Prisons.

VI. And be it further enacted, That in case of any Clerk of the Peace, Clerk of Gaol Sessions, or Chief Magistrate of any City, Town, Borough, Port, or Liberty, neglecting or omitting to transmit to One of His Majesty's Principal Secretaries of State Copies of the Rules or Regulations in force for the Government of any Prison which he is required by this Act to transmit, it shall be lawful for One of His Majesty's Principal Secretaries of State after the First Day of *December* in every Year to certify what Rules and Regulations he deems necessary for the Government of such Prison; and the Rules and Regulations so certified by such Secretary of State shall thenceforth be binding upon Sheriffs and all other Persons, and shall be the only Rules in force for the Government of such Prison.

Power to appoint Inspectors of Prisons.

VII. And be it enacted, That it shall be lawful for One of His Majesty's Principal Secretaries of State to nominate and appoint a sufficient Number of fit and proper Persons, not exceeding Five, to visit and inspect, either singly or together, every Gaol, Bridewell, House of Correction, Penitentiary, or other Prison or Place kept or used for the Confinement of Prisoners, in any Part of the Kingdom of *Great Britain;* and every Person so appointed shall have Authority

rity to examine any Person holding any Office or receiving any Salary or Emolument in any such Gaol, Bridewell, House of Correction, Penitentiary, Prison, or other Place of Confinement as aforesaid, and to call for and inspect all Books and Papers relating thereto, and to inquire into all Matters touching and concerning such Gaol, Bridewell, House of Correction, Penitentiary, Prison, or other Place of Confinement; and every such Person so appointed shall, on or before the First Day of *February* in every Year, make a separate and distinct Report in Writing of the State of every Gaol, Bridewell, House of Correction, Penitentiary, Prison, or other Place of Confinement visited by him, and shall transmit the same to One of His Majesty's Principal Secretaries of State; and a Copy of every such Report shall be laid before both Houses of Parliament within Fourteen Days after such First Day of *February*, if they shall be then assembled; or if Parliament shall not be then assembled, within Fourteen Days after the Meeting thereof after such First Day of *February*.

Penalty on obstructing Inspectors.

VIII. And be it further enacted, That if any Person shall knowingly and wilfully obstruct any Person so appointed in the Execution of any of the Powers intrusted to him by this Act, such Person shall, on Conviction before a Justice of the Peace, forfeit and pay for each and every such Offence any Sum not exceeding Twenty Pounds, and in default of Payment of any Penalty so adjudged, immediately, or within such Time as the said Justice shall appoint, shall be committed to Prison for any Period not exceeding One Calendar Month.

A Justice may summon Offenders on Complaint being made.

IX. And be it further enacted, That it shall be lawful for a Justice of the Peace, on any Complaint made to him against any Person for any such Offence, to issue his Summons for the Appearance of such Person.

Secretary of State may visit or authorize any Person to visit Prisons.

X. And be it enacted, That it shall be lawful for any One of His Majesty's Principal Secretaries of State to visit and inspect, or to authorize in Writing any Person or Persons to visit and inspect, any Prison or Prisons or any Penitentiary or other Place of Confinement for Prisoners in *Great Britain* upon any Occasion which such Secretary of State may think expedient.

His Majesty may order Prisoners to be removed from one Prison to another.

XI. And be it enacted, That it shall be lawful for His Majesty by an Order in Writing, to be notified in Writing by One of His Majesty's Principal Secretaries of State, to direct that any Persons in Prison within *England* and *Wales*, under Sentence of any Court or of any competent Authority for any Offence committed by them, shall be removed from the Prison in which they are confined to any other of His Majesty's Prisons or Penitentiaries within *England* and *Wales*, there to be imprisoned for and during their respective Terms of Imprisonment.

Where Term of Imprisonment expires on a Sunday,

XII. And be it enacted, That every Person confined in any Prison whose Term of Imprisonment would according to his or her Sentence have expired on any Lord's Day shall be entitled to his or her Discharge

Discharge from such Prison on the *Saturday* next preceding such Lord's Day; and every Keeper, Governor, or other Officer of any Prison having the Custody of any such Prisoner as aforesaid is hereby authorized and required to discharge such Prisoner on the *Saturday* next preceding any such Lord's Day.

Prisoner to be discharged on the preceding Saturday.

XIII. And whereas by an Act passed in the Fourth and Fifth Years of the Reign of His present Majesty, intituled *An Act for establishing a new Court for the Trial of Offences committed in the Metropolis and Parts adjoining*, it was among other Things enacted, that it shall be lawful for His Majesty, by an Order in Writing, to be notified in Writing by One of His Majesty's Principal Secretaries of State, to direct that Persons who may be sentenced to Imprisonment by any Court or competent Authority for any Offence committed beyond the Limits of that Act, and who, having been examined by an experienced Surgeon or Apothecary, shall appear to be free from any putrid or infectious Distemper, and fit to be removed, shall be removed to the Penitentiary at *Milbank*, there to be imprisoned for and during their respective Terms of Imprisonment: And whereas it is expedient that the like Power should be given for directing Persons who shall be sentenced by any Court, or ordered by any competent Authority, to be imprisoned for Offences committed within the Limits of the said Act, no less than for Offences committed beyond the Limits of the said Act; be it therefore enacted, That it shall be lawful for His Majesty by an Order in Writing, to be notified in Writing by One of His Majesty's Principal Secretaries of State, to direct that Persons who shall be sentenced by any Court, or ordered by any competent Authority, subjecting such Person to hard Labour, to be imprisoned for any Offence committed within the Limits of the before-recited Act, and who, having been examined by an experienced Surgeon or Apothecary, shall appear to be free from any putrid or infectious Distemper, and fit to be removed, shall be removed to the Penitentiary at *Milbank*, there to be imprisoned for and during their respective Terms of Imprisonment.

Power given by 4&5 W.4. c.36. to His Majesty to direct Persons sentenced to Imprisonment for Offences committed beyond Limits of that Act to be removed to Penitentiary, extended to Offences committed within the Limits.

XIV. And be it further enacted, That all Provisions and Regulations expressed and contained in any Act made for the Government of the General Penitentiary at *Milbank*, and all Powers given by such Act for the Confinement, Employment, and Management of Convicts confined therein, shall be applicable and made available in respect to all Persons removed to and confined in the said Penitentiary by virtue of this Act, and the Act before recited.

Powers contained in Penitentiary Acts extended to all Prisoners confined therein.

XV. And whereas by an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Regulation of the General Penitentiary for Convicts at* Milbank, it was among other Things enacted, that any Number of Convicts not exceeding Six hundred Male and Four hundred Female Convicts may, with the Approbation of One of His Majesty's Principal Secretaries of State for the Time being, be at One Time imprisoned, confined, employed, and managed in the said Penitentiary, under the Provisions of the said Act and of a certain other Act therein recited: And whereas it is expedient that Power should be given to

800 Male Convicts may be confined in Penitentiary, instead of 600, as limited by 59G.3.c.136.

increase the Number of Male Convicts to be confined in the said Penitentiary; be it therefore enacted, That any Number of Male Convicts not exceeding Eight hundred may, with the Approbation of One of His Majesty's Principal Secretaries of State for the Time being, be at One Time imprisoned, confined, employed, and managed in the said Penitentiary, under the Provisions of the said last-recited Act and a certain other Act therein recited.

Act may be altered this Session.

XVI. And be it enacted, That this Act may be amended, altered, or repealed by any Act to be passed in this present Session of Parliament.

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