



Prison Act 1952

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

Offences

[^{F1}40B Conveyance etc. of List A articles into or out of prison

- (1) A person who, without authorisation—
 - (a) brings, throws or otherwise conveys a List A article into or out of a prison,
 - (b) causes another person to bring, throw or otherwise convey a List A article into or out of a prison,
 - (c) leaves a List A article in any place (whether inside or outside a prison) intending it to come into the possession of a prisoner, or
 - (d) knowing a person to be a prisoner, gives a List A article to him,is guilty of an offence.
- (2) In this section “authorisation” means authorisation given for the purposes of this section—
 - (a) in relation to all prisons or prisons of a specified description, by prison rules or by the Secretary of State; or
 - (b) in relation to a particular prison, by the Secretary of State or by the governor or director of the prison.

In paragraph (a) “specified” means specified in the authorisation.

- (3) Authorisation may be given to specified persons or persons of a specified description—
 - (a) in relation to specified articles or articles of a specified description;
 - (b) in relation to specified acts or acts of a specified description; or
 - (c) on such other terms as may be specified.

In this subsection “specified” means specified in the authorisation.

- (4) Authorisation given by the Secretary of State otherwise than in writing shall be recorded in writing as soon as is reasonably practicable after being given.
- (5) Authorisation given by the governor or director of a prison shall—

Changes to legislation: Prison Act 1952, Section 40B is up to date with all changes known to be in force on or before 21 June 2024. 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

- (a) be given in writing; and
 - (b) specify the purpose for which it is given.
- (6) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for a term not exceeding ten years or to a fine (or both).]

Textual Amendments

F1 Ss. 40A-40C substituted for s. 40 (1.4.2008) by [Offender Management Act 2007 \(c. 21\)](#), **ss. 22(1)**, [41\(1\)](#); [S.I. 2008/504](#), [art. 3\(h\)](#)

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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](#)
- Sch. A1 para. 2(2)(ia) inserted by [2024 c. 21 s. 23\(2\)](#)
- Sch. A1 para. 5(7)(8) inserted by [2024 c. 21 s. 23\(3\)](#)