

Prison Media Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Ministry of Justice with the consent of Katherine Fletcher, the Member in charge of the Bill, are published separately as Bill 55—EN.

Prison Media Bill

[AS INTRODUCED]

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[AS INTRODUCED]

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B I L L

TO

Prohibit the creation and uploading of unauthorised media content relating to prisons.

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, as follows:—

1 Unauthorised photograph or sound-recording of the inside of a prison

- (1) Section 40D of the Prison Act 1952 (offences relating to prison security) is amended as follows.
- (2) In subsection (1), in paragraph (a), for the words after “sound-recording” substitute “—
 - (i) inside a prison, or
 - (ii) of the inside of a prison, or”.
- (3) In subsection (5), in paragraph (b), omit “not exceeding the statutory maximum”.

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2 Unauthorised photographs and sound-recordings of prisons and prison workers

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- (1) The Prison Act 1952 is amended as follows.
- (2) After section 40D insert—

“40DA Unauthorised photograph or sound-recording of a prison worker on prison land

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- (1) A person is guilty of an offence if—
 - (a) without authorisation the person takes a photograph, or makes a sound-recording, of a prison worker while the prison worker is on prison land, and
 - (b) the person intends the photograph or sound-recording to record a prison worker on prison land.
- (2) It is immaterial for the purposes of subsection (1) where the recording medium is located.

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- (3) In proceedings for an offence under this section it is a defence for the accused to show that—
- (a) the accused reasonably believed that they had authorisation to do the act in respect of which the proceedings are brought, or
 - (b) in all the circumstances there was an overriding public interest which justified the doing of that act.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine.

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40DB Unauthorised uploading of a photograph or sound-recording of a prison or prison worker

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- (1) A person is guilty of an offence if—
- (a) without authorisation, the person uploads a photograph or sound-recording to an internet service, and
 - (b) the photograph or sound-recording—
 - (i) was taken or made inside a prison,
 - (ii) is of the inside of a prison, or
 - (iii) records a prison worker on prison land.
- (2) In proceedings for an offence under this section, it is a defence for the accused to show that—
- (a) the accused did not know and had no reasonable cause to believe—
 - (i) in a case within subsection (1)(b)(i), that the photograph was taken or the sound-recording was made inside a prison;
 - (ii) in a case within subsection (1)(b)(ii), that the photograph or sound-recording was of the inside of a prison;
 - (iii) in a case within subsection (1)(b)(iii), that the photograph or sound-recording recorded a prison worker on prison land,
 - (b) the accused reasonably believed that they had authorisation to do the act in respect of which the proceedings are brought, or
 - (c) in all the circumstances there was an overriding public interest which justified the doing of that act.

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- (3) A person guilty of an offence under this section is liable on summary conviction to a fine.

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- (4) In this section “internet service” has the meaning given by section 228 of the Online Safety Act 2023.”

- (3) In section 40E (interpretation of section 40D)—

- (a) in the heading, for “Section 40D” substitute “Sections 40D to 40DB”;
- (b) in subsection (1), in the words before paragraph (a)—
 - (i) for “section 40D” substitute “sections 40D to 40DB”, and
 - (ii) for “that section” substitute “the section in question”;

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- (c) in subsection (6), for “section 40D” substitute “sections 40D to 40DB”;
 (d) after subsection (6) insert—

“(7) In sections 40DA and 40DB—

“prison land” means —

- (a) land vested in the Secretary of State by virtue of section 35(1), and 5
 (b) other land in which the Secretary of State has an interest, or which is occupied by the Secretary of State, for a purpose connected with the provision, running or management of a prison; 10

“prison worker” means any of the following—

- (a) a prison officer;
 (b) a person certified as a prisoner custody officer under section 89(1) of the Criminal Justice Act 1991 who is authorised to perform custodial duties (within the meaning of section 89(3) of that Act); 15
 (c) any other person who (whether as a servant or agent of the Crown or otherwise)—
 (i) works in a prison, or 20
 (ii) visits, or attends at, a prison for the purpose of the person’s work (including voluntary work).”

3 Extent, commencement and short title

- (1) This Act extends to England and Wales only. 25
 (2) Sections 1 and 2 of this Act come into force on such day as the Secretary of State may by regulations made by statutory instrument appoint.
 (3) Different days may be appointed for different purposes or areas.
 (4) This section comes into force on the day on which this Act is passed.
 (5) The Secretary of State may by regulations made by statutory instrument make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act. 30
 (6) The power to make regulations under subsection (5) includes power to make different provision for different purposes.
 (7) This Act may be cited as the Prison Media Act 2024. 35

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Presented by Katherine Fletcher

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