



Application of Enactments Ordinance 1954 (FLK No.13 of 1954)

Application of Colony Laws Ordinance 1955 (DS No.1 of 1955)

Prisoners (Temporary Discharge for Ill-health) Act 1913

UK Legis LINK as originally enacted [Prisoners \(Temporary Discharge for Ill-health\) Act, 1913 c.4](#)

English commencement 25 April 1913

English status Repealed by Prison Act 1952

AEO Schedule No. 11

Date applied in SGSSI: 1 November 1954

Extent of Application The whole Act, except Section 3.

References to "the Secretary of State" shall be construed as references to "the Governor".

Prisoners (Temporary Discharge for Ill-health) Act, 1913.

Chapter 4

An Act to provide for the Temporary Discharge of Prisoners whose further detention in prison is undesirable on account of the condition of their Health.

BE it enacted by the Kings 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 Power of the [Governor] to discharge prisoners temporarily on account of their

health

- (1) If the [Governor] is satisfied that by reason of the condition of a prisoner's health it is undesirable to detain him in prison, but that, such condition of health being due in whole or in part to the prisoner's own conduct in prison, it is desirable that his release should be temporary and conditional only, the [Governor] may, if he thinks fit, having regard to all the circumstances of the case, by order authorise the temporary discharge of the prisoner for such period and subject to such conditions as may be stated in the order.
- (2) Any prisoner so discharged shall comply with any conditions stated in the order of temporary discharge, and shall return to prison at the expiration of the period stated in the order, or of such extended period as may be fixed by any subsequent order of the [Governor], and, if the prisoner fails so to comply or return, he may be arrested without warrant and taken back to prison.
- (3) Where a prisoner under sentence is discharged in pursuance of an order of temporary discharge, the currency of the sentence shall be suspended from the day on which he is discharged from prison under the order to the day on which he is received back into prison, so that the former day shall be reckoned and the latter shall not be reckoned as part of the sentence.
- (4) Where an order of temporary discharge is made in the case of a prisoner not under sentence, the order shall contain conditions requiring the attendance of the prisoner at any further proceedings on his case at which his presence may be required.

2 Savings

- (1) Where the prisoner is undergoing a sentence of penal servitude, the powers under this Act shall be in addition to and not in substitution for the power of granting licences under the Penal Servitude Acts, 1853 to 1891.
- (2) Nothing in this Act shall affect the duties of the medical officer of a prison in respect of a prisoner whom the [Governor] does not think fit to discharge under this Act.

3 Application to Scotland and Ireland

[Does not apply]

4 Short title

This Act may be cited as the Prisoners (Temporary Discharge for Ill-health) Act, 1913.

Notes:

1. Review this statute on the www.legislation.gov.uk website in the form it was in as enacted with the specific adaptations referred to above;
2. The Prison Act 1952 s54 and Schedule 4 repealed the entirety of this Act on its commencement on 1 October 1952 ahead of its application to South Georgia and the South Sandwich Islands on 11 November 1954.
3. Should these provisions ever need to be considered for South Georgia the effect of s78 Interpretation and General Clauses Ordinance (1977) etc will have to be considered.
4. Consider the effect of all of the Principal Adaptive Provisions when determining whether this Act and its replacement in England has implications for the current laws of South Georgia and the South Sandwich Islands

Historic Notes:

1. This Act was passed primarily to allow the temporary release of hunger striking suffragettes protesters. It came to be known informally as the 'Cat and Mouse Act' – as the temporary release of the prisoners was likened to a cat playing with a mouse

Disclaimers:

1. Nothing on this website should be taken as being a representation of what the Commissioner or Government of South Georgia and the South Sandwich Islands considers to be the laws of South Georgia and the South Sandwich Islands.
2. The Government cannot guarantee that links to any other website, including www.legislation.gov.uk will remain current, active or accurate.
3. The only official publication of the laws of South Georgia and the South Sandwich Islands is made in the *Gazette*.

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