

# **PRISONS (ESCAPE) AMENDMENT ACT 1991 No. 26**

NEW SOUTH WALES



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## **SCHEDULE 1—AMENDMENTS**

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**PRISONS (ESCAPE) AMENDMENT ACT 1991 No. 26**

NEW SOUTH WALES



**Act No. 26, 1991**

An Act to amend the Prisons Act 1952 to make further provision with respect to the offence of escaping or attempting to escape from lawful custody. [Assented to 6 September 1991]

*Prisons (Escape) Amendment 1991*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Prisons (Escape) Amendment Act 1991.

**Commencement**

2. This Act commences on a day to be appointed by proclamation.

**Amendment of Prisons Act 1952 No. 9.**

3. The Prisons Act 1952 is amended as set out in Schedule 1.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 34:

Omit the section, insert instead:

**Escaping**

34. (1) Any prisoner in lawful custody who escapes or attempts to escape from that custody is guilty of an offence and liable to penal servitude for a term not exceeding 10 years.

(2) A sentence of penal servitude imposed by a court under this section is to be imposed as a sentence that is cumulative on all previous sentences imposed by the court or to which the prisoner is subject.

(2) Schedule 8 (**Savings and transitional provisions**):

At the end of the Schedule, insert:

**PART 5—PROVISION CONSEQUENT ON THE  
ENACTMENT OF THE PRISONS (ESCAPE)  
AMENDMENT ACT 1991**

**Cumulative sentences for escape**

18. Section 34 (2) does not apply in respect of a sentence imposed under section 34 before that section was substituted

*Prisons (Escape) Amendment 1991*

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SCHEDULE 1—AMENDMENTS—continued

by the Prisons (Escape) Amendment Act 1991 and that section (as in force before its substitution) continues to apply in respect of such a sentence.

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*[Minister's second reading speech made in—  
Legislative Assembly on 2 1991  
Legislative Council on 28 August 1991]*