Number 57 *of* 2015

PRISONS ACT 2015

REVISED

Updated to 12 June 2026

This Revised Act is an administrative consolidation of the *Prisons Act 2015*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *International Co-operation (Omagh Bombing Inquiry) Act 2026* (12/2026), enacted 3 June 2026, and all statutory instruments up to and including the *International Protection Act 2026 (Commencement) Order 2026* (S.I. No. 244 of 2026), made 10 June 2026, were considered in the preparation of this Revised Act.

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Number 57 *of* 2015

PRISONS ACT 2015

REVISED

Updated to 12 June 2026

CONTENTS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title, commencement and collective citation
2. Definitions
3. Repeals and revocation
4. Expenses

PART 2

CLOSING OF SAINT PATRICK'S INSTITUTION

5. Definitions (Part 2)
6. Power of Minister to close Saint Patrick's Institution

PART 3

AMENDMENTS CONSEQUENTIAL ON CLOSING OF SAINT PATRICK'S INSTITUTION

7. Amendment of section 212A(1) of Defence Act 1954
8. Amendment of Criminal Justice Act 1960
9. Amendment of section 50(a) of Courts (Supplemental Provisions) Act 1961
10. Amendment of section 3(1) of Extradition Act 1965
11. Amendment of Prisons Act 1970
12. Amendment of First Schedule to Juries Act 1976
13. Amendment of Criminal Justice (Community Service) Act 1983
14. Amendment of section 5(1) (c) of Data Protection Act 1988
15. Amendment of section 47(8) of Public Health (Tobacco) Act 2002
16. Amendment of Transfer of Execution of Sentences Act 2005
17. Amendment of section 98 of Criminal Justice Act 2006
18. Amendment of section 2(1) of International Criminal Court Act 2006

19. Amendment of section 1 of Electoral (Amendment) Act 2006

20. Amendment of section 2 of Prisons Act 2007

21. Amendment of section 2(1) of Criminal Justice (Mutual Assistance) Act 2008

22. Amendment of section 32(4) of Freedom of Information Act 2014

PART 4

Closing of Prisons

23. Amendment of section 2 of Prisons Act 1933

PART 5

Miscellaneous

24. Taking of certain persons from prison for the purposes of deportation or removal from the State

25. Amendment of section 41 of Petty Sessions (Ireland) Act 1851

ACTS REFERRED TO

Courts (Supplemental Provisions) Act 1961 (No. 39)
Criminal Justice (Community Service) Act 1983 (No. 23)
Criminal Justice (Mutual Assistance) Act 2008 (No. 7)
Criminal Justice (Temporary Release of Prisoners) Act 2003 (No. 34)
Criminal Justice Act 1960 (No. 27)
Criminal Justice Act 2006 (No. 26)
Criminal Justice Administration Act 1914 (4 & 5 Geo. 5 c. 58)
Criminal Law (Jurisdiction) Act 1976 (No. 14)
Data Protection Act 1988 (No. 25)
Defence (Amendment) Act 2007 (No. 24)
Defence Act 1954 (No. 18)
Electoral (Amendment) Act 2006 (No. 33)
Extradition Act 1965 (No. 17)
Freedom of Information Act 2014 (No. 30)
Immigration Act 2004 (No. 1)
Immigration Act 1999 (No. 22)
International Criminal Court Act 2006 (No. 30)
Juries Act 1976 (No. 4)
Petty Sessions (Ireland) Act 1851 (14 & 15 Vict., c. 93)
Prevention of Crime Act 1908 (8 Edw. 7, c. 59)
Prisons Act 1933 (No. 51)
Prisons Act 1970 (No. 11)
Prisons Act 1972 (No. 7)
Prisons Act 2007 (No. 10)
Prisons Acts 1826 to 2007
Public Health (Tobacco) (Amendment) Act 2004 (No. 6)
Public Health (Tobacco) Act 2002 (No. 6)
Transfer of Execution of Sentences Act 2005 (No. 28)

Number 57 *of* 2015

PRISONS ACT 2015

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Updated to 12 June 2026

An Act to provide for the closing of Saint Patrick's Institution; to make further provision for the closing of prisons; for those purposes to amend the Prisons Act 1933 and to provide for consequential amendments to certain other enactments; to make provision, in respect of certain persons who are serving sentences of imprisonment, for the purposes of deportation or removal from the State; to amend the Petty Sessions (Ireland) Act 1851; and to provide for related matters.

[25*th December*, 2015]

Be it enacted by the Oireachtas as follows:

PART 1

Preliminary and General

Short title, commencement and collective citation

1. (1) This Act may be cited as the Prisons Act 2015.

(2) *Section 3* and *Parts 2* and *3* shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

(3) *Parts 1* and *2*, *section 11* and *Part 4* and the Prisons Acts 1826 to 2007 may be cited together as the Prisons Acts 1826 to 2015.

Definitions

2. In this Act—

"Minister" means the Minister for Justice and Equality;

"Saint Patrick's Institution" means the institution called and known as "Saint Patrick's" and situate at North Circular Road, Dublin.

Repeals and revocation

3. (1) The following enactments are repealed:

(a) the Prevention of Crime Act 1908;

(b) sections 10 and 11 of the Criminal Justice Administration Act 1914;

(c) sections 12 and 13 of the Criminal Justice Act 1960;

(d) sections 6 and 7 of the Prisons Act 1970;

(e) section 1(1) of the Criminal Law (Jurisdiction) Act 1976.

(2) The repeal of the enactments specified in *subsection (1)* shall not affect the lawfulness of—

(a) the detention of any person sentenced to detention in, or

(b) the remand of any person remanded to,

Saint Patrick's Institution pursuant to any of those enactments before the coming into operation of this section.

(3) The Saint Patrick's Institution Regulations 1960 (S.I. No. 224 of 1960) are revoked.

Expenses

4. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

PART 2

Closing of Saint Patrick's Institution

Definitions (*Part 2*)

5. In this Part—

"prison" means a place of custody administered by or on behalf of the Minister (other than a Garda Síochána station) and includes—

(a) a place of detention provided under section 2 of the Prisons Act 1970, and

(b) a place specified under section 3 of the Prisons Act 1972;

"temporary release", in relation to a person, means the release of the person from a prison or Saint Patrick's Institution for a temporary period in accordance with a direction given by the Minister under section 2 of the Criminal Justice Act 1960.

Power of Minister to close Saint Patrick's Institution

6. (1) The Minister may by order (in this Part referred to as the "closing order") direct that Saint Patrick's Institution shall be closed on and from a specified date.

(2) When the Minister makes the closing order, he or she may also, if he or she so thinks fit, by the same order direct—

(a) that any person who, immediately before such closing, was to be committed to Saint Patrick's Institution—

(i) to be remanded in custody, or

(ii) to serve a sentence of detention,

by virtue of an order made or warrant issued by a court that was in force upon such closing but which had not been executed before such closing, shall be committed to such prison as is specified in the closing order for that purpose;

(b) that any person who, immediately before such closing, was on temporary release from Saint Patrick's Institution, shall be on temporary release from such prison as is specified in the closing order for that purpose.

(3) If the closing order contains a direction under *paragraph (a)* of *subsection (2)*, a reference in an order made or warrant issued by a court referred to in that paragraph to Saint Patrick's Institution shall, on and after such closing, be construed as a reference to the prison specified in the closing order under that paragraph, and the order made or warrant issued by the court shall have effect accordingly.

(4) Where, on or after the coming into operation of the closing order, a person referred to in *paragraph (a)* of *subsection (2)* is committed, pursuant to the order made or warrant issued by a court concerned, to the prison specified in the closing order under that paragraph, such person shall be deemed to be in lawful custody.

(5) If the closing order contains a direction under *paragraph (b)* of *subsection (2)*, a person referred to in that paragraph shall, on and after the coming into operation of the closing order, be regarded as being on temporary release from the prison specified in the closing order under that paragraph, and the direction concerned given by the Minister under section 2 of the Criminal Justice Act 1960 in respect of the person shall have effect accordingly.

(6) Where, on or after the coming into operation of the closing order, a person referred to in *paragraph (b)* of *subsection (2)* is, following the expiry of the period of temporary release concerned, detained in the prison specified in the closing order under that paragraph, such person shall be deemed to be in lawful custody.

(7) When the Minister makes the closing order, Saint Patrick's Institution thereby directed to be closed shall be closed in accordance with that closing order.

(8) The Minister shall cause a copy of the closing order to be laid before each House of the Oireachtas as soon as may be after it is made.

PART 3

Amendments Consequential on Closing of Saint Patrick's Institution

Amendment of section 212A(1) of Defence Act 1954

7. Section 212A (inserted by section 61 of the Defence (Amendment) Act 2007) of the Defence Act 1954 is amended in subsection (1) by deleting paragraph (b) of the definition of "imprisonment".

Amendment of Criminal Justice Act 1960

8. The Criminal Justice Act 1960 is amended—

(a) in section 1, by deleting the definition of "Saint Patrick's Institution",

(b) in section 2 (amended by section 1 of the Criminal Justice (Temporary Release of Prisoners) Act 2003), by substituting the following subsection for subsection (11):

"(11) In this section—

(a) references to a person who is serving a sentence of imprisonment shall be construed as including references to a person being detained in a place provided under section 2 of the Prisons Act 1970 and 'sentence of imprisonment' shall be construed accordingly, and

(b) references to a prison shall be construed as including references to a place provided under the said section 2.",

(c) in section 3(1), in the definition of "criminal lunatic", by deleting "or of detention in Saint Patrick's Institution,",

(d) in section 10(1), by substituting "in another remand institution or in a prison" for "in another remand institution, in a prison or in Saint Patrick's Institution", and

(e) in section 11(2), by substituting "a remand institution" for "an institution (being a remand institution or Saint Patrick's Institution)".

Amendment of section 50(a) of Courts (Supplemental Provisions) Act 1961 (No. 39)

9. (1) Section 50(a) of the Courts (Supplemental Provisions) Act 1961 is amended by deleting "or to be detained in Saint Patrick's Institution".

(2) The amendment of the enactment specified in *subsection (1)* shall not affect an appeal taken against an order for detention that was made before the coming into operation of this section.

Amendment of section 3(1) of Extradition Act 1965

10. Section 3(1) of the Extradition Act 1965 is amended—

(a) in the definition of "imprisonment", by deleting "and detention in Saint Patrick's Institution", and

(b) by deleting the definition of "Saint Patrick's Institution".

Amendment of Prisons Act 1970

11. The Prisons Act 1970 is amended—

(a) in section 1, by deleting the definition of "Saint Patrick's Institution",

(b) in section 2, by deleting "or to detention in Saint Patrick's Institution",

(c) in section 4, by substituting for ", to Saint Patrick's Institution or to persons serving sentences in prisons or that Institution shall, subject to the provisions of this Act, apply in relation to a place provided under section 2 of this Act as if it were a prison or that Institution, as the case may be, and persons detained in such a place shall be deemed to be serving sentences of penal servitude or imprisonment or detention in that Institution, as the case may be," the following:

> "or to persons serving sentences in prisons shall, subject to the provisions of this Act, apply in relation to a place provided under section 2 of this Act as if it were a prison, and persons detained in such a place shall be deemed to be serving sentences of imprisonment,",

and

(d) in section 5—

(i) in subsection (1) —

(I) in paragraph (a)(ii), by deleting ", to Saint Patrick's Institution", and

(II) by substituting the following paragraph for paragraph (b):

> "(b) the transfer of a person who, before the making of the closing order under *section 6* of the *Prisons Act 2015*, was—
>
> (i) sentenced to detention in Saint Patrick's Institution, and
>
> (ii) transferred to a place provided under section 2 of this Act,
>
> from such a place to another such place to serve the whole or any part of the unexpired residue of his sentence.",

and

(ii) by deleting subsection (2).

Amendment of First Schedule to Juries Act 1976

12. The First Schedule to the Juries Act 1976 is amended, in Part I, by deleting ", Saint Patrick's Institution".

Amendment of Criminal Justice (Community Service) Act 1983 (No. 23)

13. The Criminal Justice (Community Service) Act 1983 (No. 23) is amended—

(a) in section 2(1), by deleting "in Saint Patrick's Institution, or", and

(b) in section 3(4), by deleting "in Saint Patrick's Institution or".

Amendment of section 5(1)(c) of Data Protection Act 1988

14. Section 5(1)(c) of the Data Protection Act 1988 is amended—

(a) by substituting the following subparagraphs for subparagraphs (ii) and (iii):

"(ii) a place of detention provided under section 2 of the Prisons Act 1970, or

(iii) a military prison or detention barrack within the meaning of the Defence Act 1954,",

and

(b) by deleting subparagraph (iv).

Amendment of section 47(8) of Public Health (Tobacco) Act 2002

15. Section 47 (amended by section 16 of the Public Health (Tobacco) (Amendment) Act 2004) of the Public Health (Tobacco) Act 2002 is amended in subsection (8) —

(a) by deleting paragraph (a) of the definition of "prison", and

(b) by deleting the definition of "Saint Patrick's Institution".

Amendment of Transfer of Execution of Sentences Act 2005

16. The Transfer of Execution of Sentences Act 2005 is amended—

(a) in section 1(1), by deleting the definition of "Saint Patrick's Institution", and

(b) in section 10—

(i) in subsection (1), by deleting "or Saint Patrick's Institution, as may be appropriate,",

(ii) in subsection (4)(a), by deleting "or Saint Patrick's Institution", and

(iii) in subsection (6)(a), by deleting "or Saint Patrick's Institution, as the case may be,".

Amendment of section 98 of Criminal Justice Act 2006

17. Section 98 of the Criminal Justice Act 2006 is amended by substituting the following definition for the definition of "imprisonment":

" 'imprisonment' includes detention in a place provided under section 2 of the Prisons Act 1970 and 'sentence of imprisonment' shall be construed accordingly;".

Amendment of section 2(1) of International Criminal Court Act 2006

18. Section 2(1) of the International Criminal Court Act 2006 is amended by deleting paragraph (a) of the definition of "prison".

Amendment of section 1 of Electoral (Amendment) Act 2006

19. Section 1 of the Electoral (Amendment) Act 2006 is amended by substituting the following definition for the definition of "prison":

" 'prison' means a place to which the Prisons Acts 1826 to 2015 apply;".

Amendment of section 2 of Prisons Act 2007

20. Section 2 of the Prisons Act 2007 is amended by deleting paragraph (a) of the definition of "prison".

Amendment of section 2(1) of Criminal Justice (Mutual Assistance) Act 2008

21. Section 2(1) of the Criminal Justice (Mutual Assistance) Act 2008 is amended by deleting paragraph (a) of the definition of "prison".

Amendment of section 32(4) of Freedom of Information Act 2014

22. Section 32(4) of the Freedom of Information Act 2014 is amended by deleting paragraph (c) of the definition of "penal institution".

PART 4

Closing of Prisons

Amendment of section 2 of Prisons Act 1933

23. Section 2 of the Prisons Act 1933 is amended—

(a) in subsection (1), by substituting for "by the same order direct that all the estate and interest of the Minister in the whole or any specified portion of the prison or part of a prison so directed to be closed shall, immediately upon such closing or on any specified subsequent date, vest in the local authority." the following:

"by the same order direct all or any of the following:

(a) that any person who, immediately before such closing, was to be committed to the prison (or part thereof) so directed to be closed, whether to be remanded in custody or to serve a sentence of imprisonment, by virtue of an order made or warrant issued by a court that was in force upon such closing but which had not been executed before such closing, shall be committed to such other prison as is specified in the closing order for that purpose;

(b) that any person who, immediately before such closing, was on temporary release from the prison (or part thereof) so directed to be closed, shall be on temporary release from such other prison as is specified in the closing order for that purpose;

(c) that all the estate and interest of the Minister in the whole or any specified portion of the prison or part of a prison so directed to be closed shall, immediately upon such closing or on any specified subsequent date, vest in the local authority.",

(b) by inserting the following subsections after subsection (1):

"(1A) If a closing order contains a direction under paragraph (a) of subsection (1), a reference in an order made or warrant issued by a court referred to in that paragraph to the prison (or part thereof) directed to be closed by the closing order shall, on and after such closing, be construed as a reference to the other prison specified in the closing order under that paragraph, and the order made or warrant issued by the court shall have effect accordingly.

(1B) Where, on or after the coming into operation of a closing order, a person referred to in paragraph (a) of subsection (1) is committed pursuant to the order made or warrant issued by a court concerned to the other prison specified in the closing order under that paragraph, such person shall be deemed to be in lawful custody.

(1C) If a closing order contains a direction under paragraph (b) of subsection (1), a person referred to in that paragraph shall, on and after the coming into operation of the closing order, be regarded as being on temporary release from the other prison specified in the closing order under that paragraph, and the direction concerned given by the Minister under section 2 of the Criminal Justice Act 1960 in respect of the person shall have effect accordingly.

(1D) Where, on or after the coming into operation of a closing order, a person referred to in paragraph (b) of subsection (1) is, following the expiry of the period of temporary release concerned, detained in the other prison specified in the closing order under that paragraph, such person shall be deemed to be in lawful custody.",

and

(c) by adding the following subsection:

"(4) In this section 'temporary release', in relation to a person, means the release of the person from a prison for a temporary period in accordance with a direction given by the Minister under section 2 of the Criminal Justice Act 1960.".

PART 5

MISCELLANEOUS

Taking of certain persons from prison for the purposes of deportation or removal from the State

24. (1) Where a person who is serving a sentence of imprisonment is subject to—

(a) a deportation order under section 3 of the Immigration Act 1999 or an order made under any other enactment that deems such order to be an order made under the said section 3, F1**[**...**]**

F2**[**(b) a removal order under the European Communities (Free Movement of Persons) Regulations (S.I. No. 548 of 2015), or**]**

F3**[**(c) a return decision that is in effect under Part 11 of the International Protection Act 2026,**]**

the Minister may direct that the person, specified in the direction, shall be taken from the prison, in accordance with this section and subject to the condition specified in *subsection (3)(a)*, if, in the opinion of the Minister, it is necessary or expedient to facilitate the person's F2**[**deportation or removal from the State or return, as the case may be**]** before the completion by the person of the term of imprisonment concerned.

(2) (a) The Minister shall not give a direction under *subsection (1)* in respect of a person where more than one year of the term of imprisonment concerned remains to be served in a prison.

(b) For the purpose of *paragraph (a)*, in determining the term of imprisonment that remains to be served in a prison, account shall be taken of the period of any remission of sentence earned by the person in accordance with Rule 59 of the Prison Rules 2007 (S.I. No. 252 of 2007).

(3) (a) The condition referred to in *subsection (1)* is that the person shall remain out of the State as required by the F2**[**deportation order, removal order or return decision**]**, as the case may be, to which the person is subject.

(b) A person who is taken from a prison pursuant to a direction under *subsection (1)* shall comply with the condition specified in *paragraph (a)*.

(4) Where a direction under *subsection (1)* has been given in relation to a person specified in the direction—

(a) the direction shall be given to the governor of the prison concerned,

(b) a notice in writing in the form prescribed under *subsection (5)*, or in a form of like effect, of the direction and the condition specified in *subsection (3)(a)* shall be completed and signed by the governor of that prison,

(c) the person specified in the direction shall sign or place his or her mark on the notice in the presence of a witness (other than the governor of that prison) who shall also sign the notice,

(d) the person specified in the direction shall be given a copy of the notice at the time of his or her being taken from the prison in accordance with this section, and

(e) the governor of the prison concerned to whom the direction is given shall comply with that direction, and shall make and keep a record in writing of that direction.

(5) The Minister may by regulations prescribe the form of the notice referred to in *subsection (4)*.

(6) If a person specified in a direction under *subsection (1)*, having been requested to sign or place his or her mark on the notice referred to in *subsection (4)* , refuses to sign or place his or her mark on the notice—

(a) the refusal shall be recorded on the notice, and

(b) the refusal shall not affect the lawfulness of the person's being taken from the prison in accordance with this section.

(7) A person who is to be taken from a prison pursuant to a direction under *subsection (1)* shall be placed for the purposes of this section by the governor of the prison concerned in the custody of an immigration officer or a member of the Garda Síochána and detained by him or her in accordance with *subsection (8)*.

(8) (a) A person who is placed in the custody of an immigration officer or a member of the Garda Síochána and detained under *subsection (7)* may be detained for the purpose of his or her being placed in accordance with *subsection (9)* and for a period or periods each not exceeding 12 hours—

(i) in a vehicle, for the purposes of bringing the person to the port from which the ship, railway train, road vehicle or aircraft concerned is due to depart, or

(ii) within the port referred to in sub *paragraph (i)*.

(b) On the expiry of each period of 12 hours referred to in *paragraph (a)* an immigration officer or a member of the Garda Síochána shall return the person to the prison in which he or she is required in accordance with law to be detained and place the person immediately back in the custody of the governor of the prison concerned.

(9) A person who is placed in the custody of an immigration officer or a member of the Garda Síochána and detained under *subsection (7)* may be placed on a ship, railway train, road vehicle or aircraft about to leave the State by an immigration officer or a member of the Garda Síochána, and shall be deemed to be in lawful custody whilst so detained and until the ship, railway train, road vehicle or aircraft leaves the State.

(10) The master of any ship and the person in charge of any railway train, road vehicle or aircraft bound for any place outside the State shall, if so required by an immigration officer or a member of the Garda Síochána, receive a person who is placed in accordance with *subsection (9)* on board such ship, railway train, road vehicle or aircraft and afford him or her proper accommodation and maintenance during the journey.

(11) (a) Where a person, having been taken from a prison pursuant to a direction under *subsection (1)* —

(i) escapes the lawful custody of an immigration officer or member of the Garda Síochána, or

(ii) contravenes the condition specified in *subsection (3)(a)* (save where *subsection (13)* applies),

such person shall be deemed to be unlawfully at large.

(b) A person who is unlawfully at large under sub *paragraph (i)* or *(ii)* of *paragraph (a)* shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 6 months.

(c) An immigration officer or a member of the Garda Síochána may arrest without warrant a person whom he or she suspects to be unlawfully at large under sub *paragraph (i)* or *(ii)* of *paragraph (a)* and the person may be returned to the prison in which he or she is required in accordance with law to be detained and placed immediately back in the custody of the governor of the prison concerned.

(12) Where a person, having been taken from a prison pursuant to a direction under *subsection (1)* —

(a) by reason of his or her conduct, is refused permission to embark, or is required to disembark, or is disembarked from, the ship, railway train, road vehicle or aircraft on which he or she was to be deported or removed from the State F3**[**or returned**]**,

(b) does not leave the State by reason of ill-health, or

(c) does not leave the State because the ship, railway train, road vehicle or aircraft on which he or she was to be deported or removed from the State F3**[**or returned**]** failed to leave the State,

an immigration officer or a member of the Garda Síochána may return the person to the prison in which he or she is required in accordance with law to be detained and place the person immediately back in the custody of the governor of the prison concerned.

(13) (a) Where a person, having been taken from a prison pursuant to a direction under *subsection (1)*, returns to the State because the ship, railway train, road vehicle or aircraft on which he or she was to be deported or removed from the State F3**[**or returned**]** returns to the State, having failed to complete its journey, such person shall be deemed to be unlawfully at large.

(b) An immigration officer or a member of the Garda Síochána may arrest without warrant a person whom he or she suspects to be unlawfully at large under *paragraph (a)* and the person may be returned to the prison in which he or she is required in accordance with law to be detained and placed immediately back in the custody of the governor of the prison concerned.

(14) The currency of the sentence of imprisonment of a person who is unlawfully at large under sub *paragraph (i)* or *(ii)* of *subsection (11)(a)* for any period shall be suspended in respect of the whole of that period.

(15) In this section—

"governor" includes, in relation to a prison, a person for the time being performing the functions of governor;

"immigration officer" has the meaning it has in section 3 of the Immigration Act 2004.

(16) In this section—

(a) references to a person who is serving a sentence of imprisonment shall be construed as including references to a person being detained in a place provided under section 2 of the Prisons Act 1970 and "sentence of imprisonment" shall be construed accordingly, and

(b) references to a prison shall be construed as including references to a place provided under the said section 2.

Amendment of section 41 of Petty Sessions (Ireland) Act 1851

25. Section 41 of the Petty Sessions (Ireland) Act 1851 is amended by adding the following:

"For the avoidance of doubt it is hereby declared that the reference in this section to the executing of any warrants does not include a reference to the addressing of such warrants.".

Number 57 *of* 2015

PRISONS ACT 2015

REVISED

Updated to 12 June 2026

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Prisons Acts 1826 to 2015: this Act is one of a group of Acts included in this collective citation (*Prisons Act 2015* (57/2015), (s. 1(3)). The Acts in this group are:

- *Prisons (Ireland) Act 1826* (7 Geo. IV, c. 74)
- *Prisoners (Ireland) Amendment Act 1884* (47 & 48 Vict., c. 36)
- *Fine or Imprisonment (Scotland and Ireland) Act 1899* (62 & 63 Vict., c. 11)
- *Prisons (Ireland) Act 1907* (7 Edw. 7, c. 19)
- *Prisons (Visiting Committees) Act 1925* (11/1925)
- *Prisons Act 1933* (51/1933)
- *Prisons Act 1956* (9/1956)
- *Prisons Act 1970* (11/1970)
- *Prisons Act 1972* (7/1972)
- *Prisons Act 1974* (10/1974)
- *Prisons Act 1977* (14/1977)
- *Prisons Act 1980* (6/1980)
- *Prisons Act 2007* (10/2007)
- *Prisons Act 2015* (57/2015), Parts 1 (ss. 1-4) and 2 (ss. 5, 6), s. 11 and Part 4 (s. 23)

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at
www.irishstatutebook.ie.