



Criminal Justice Act 1991

1991 CHAPTER 53

PART IV

PROVISION OF SERVICES

Supplemental

89 Certification of prisoner custody officers

- (1) In this Part “prisoner custody officer” means a person in respect of whom a certificate is for the time being in force certifying—
 - (a) that he has been approved by the Secretary of State for the purpose of performing escort functions or custodial duties or both; and
 - (b) that he is accordingly authorised to perform them.
- (2) The provisions of Schedule 10 to this Act shall have effect with respect to the certification of prisoner custody officers.
- (3) In this section and Schedule 10 to this Act—
 - “custodial duties” means custodial duties at a contracted out prison;
 - “escort functions” means the functions specified in section 80(1) above.

90 Protection of prisoner custody officers

- (1) Any person who assaults a prisoner custody officer acting in pursuance of prisoner escort arrangements, or performing custodial duties at a contracted out prison, shall be liable on summary conviction to fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months or to both.
- (2) Section 17(2) of the Firearms Act 1968 (additional penalty for possession of firearms when committing certain offences) shall apply to offences under subsection (1) above.
- (3) Any person who resists or wilfully obstructs a prisoner custody officer acting in pursuance of prisoner escort arrangements, or performing custodial duties at a

Status: This is the original version (as it was originally enacted).

contracted out prison, shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (4) For the purposes of this section, a prisoner custody officer shall not be regarded as acting in pursuance of prisoner escort arrangements at any time when he is not readily identifiable as such an officer (whether by means of a uniform or badge which he is wearing or otherwise).

91 Wrongful disclosure of information

- (1) A person who is or has been employed (whether as a prisoner custody officer or otherwise) in pursuance of prisoner escort arrangements, or at a contracted out prison, shall be guilty of an offence if he discloses, otherwise than in the course of his duty or as authorised by the Secretary of State, any information which he acquired in the course of his employment and which relates to a particular prisoner.
- (2) A person guilty of an offence under subsection (1) above shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both;
 - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.

92 Interpretation of Part IV

- (1) In this Part—
- “contracted out prison” and “the contractor” have the meanings given by section 84(2) above;
 - “court-house” means a petty sessional court-house within the meaning of the 1980 Act or an occasional court-house appointed under section 147 of that Act;
 - “court security officer” has the meaning given by section 76(1) above;
 - “prison” includes a young offender institution or remand centre;
 - “prisoner” means any person who—
 - (a) is held in custody in a prison;
 - (b) is kept in police detention after being charged with an offence;
 - (c) has been committed to detention at a police station under section 128(7) of the 1980 Act; or
 - (d) is in the custody of a court;
 - “prisoner custody officer” has the meaning given by section 89(1) above;
 - “prisoner escort arrangements” has the meaning given by section 80(2) above.
- (2) Unless the contrary intention appears, expressions used in sections 76 to 79 above which are also used in the 1979 Act have the same meanings as in that Act.
- (3) Sections 80, 81(1) and (2)(a), 82 and 89 to 91 above, subsection (1) above and Schedule 10 to this Act shall have effect as if—
- (a) any reference in section 80(1), 81(1), 82 or 91 above to prisoners included a reference to persons kept in secure accommodation by virtue of a security requirement imposed under section 23(4) of the 1969 Act (remands and committals to local authority accommodation); and

Status: This is the original version (as it was originally enacted).

- (b) any reference in section 80(1)(c) to (e) above to a prison included a reference to such accommodation.