



Criminal Justice Act 1991

1991 CHAPTER 53

PART IV

PROVISION OF SERVICES

Contracted out prisons

85 Officers of contracted out prisons.

- (1) Instead of a governor, every contracted out prison shall have—
 - (a) a director, who shall be a prisoner custody officer appointed by the contractor and specially approved for the purposes of this section by the Secretary of State; and
 - (b) a controller, who shall be a Crown servant appointed by the Secretary of State; and every officer of such a prison who performs custodial duties shall [^{F1}(subject to section 86B)] be a prisoner custody officer who is authorised to perform such duties [^{F2}or a prison officer who is temporarily attached to the prison].
- (2) ^{F3} . . . , the director shall have such functions as are conferred on him by the 1952 Act (as modified by section 87 below) or as may be conferred on him by prison rules.
- (3) ^{F4}
- (4) The controller shall have such functions as may be conferred on him by prison rules and shall be under a duty—
 - (a) to keep under review, and report to the Secretary of State on, the running of the prison by or on behalf of the director; and
 - (b) to investigate, and report to the Secretary of State on, any allegations made against prisoner custody officers performing custodial duties at the prison [^{F5}or prison officers who are temporarily attached to the prison].
- (5) [^{F6}The contractor and any sub-contractor of his shall each]be under a duty to do all that he reasonably can (whether by giving directions to the officers of the prison

Changes to legislation: Criminal Justice Act 1991, Section 85 is up to date with all changes known to be in force on or before 12 November 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

or otherwise) to facilitate the exercise by the controller of all such functions as are mentioned in or conferred by subsection (4) above.

Textual Amendments

- F1** Words in s. 85(1) inserted (1.11.2007) by Offender Management Act 2007 (c. 21), ss. 18(3), 41(1); S.I. 2007/3001, art. 2(1)(c)
- F2** Words in s. 85(1) inserted (3.11.1994) by 1994 c. 33, s. 97(1).
- F3** Words in s. 85(2) repealed (1.11.2007) by Offender Management Act 2007 (c. 21), ss. 39, 41(1), Sch. 5 Pt. 2; S.I. 2007/3001, art. 2(1)(t)(iii)
- F4** S. 85(3) repealed (1.11.2007) by Offender Management Act 2007 (c. 21), ss. 19, 39, 41(1), Sch. 5 Pt. 2; S.I. 2007/3001, art. 2(1)(t)(iii)
- F5** Words in s. 85(4)(b) inserted (3.11.1994) by 1994 c. 33, s. 97(2).
- F6** Words in s. 85(5) substituted (3.11.1994) by 1994 c. 33, s. 101(1).

Commencement Information

- I1** S. 85 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

Changes to legislation:

Criminal Justice Act 1991, Section 85 is up to date with all changes known to be in force on or before 12 November 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 24(2)(ba) inserted by [2013 c. 22 s. 26\(7\)](#)
- s. 46(3)(aa) substituted for word by [2008 c. 4 s. 33\(7\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))
- s. 46ZA inserted by [2008 c. 4 s. 33\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))