



Criminal Justice Act 1991

1991 CHAPTER 53

PART IV

PROVISION OF SERVICES

Contracted out prisons

86 Powers and duties of prisoner custody officers employed at contracted out prisons.

- (1) A prisoner custody officer performing custodial duties at a contracted out prison shall have the following powers, namely—
 - (a) to search in accordance with prison rules any prisoner who is confined in the prison; and
 - (b) to search [^{F1}in accordance with prison rules] any other person who is in or is seeking to enter the prison, and any article in the possession of such a person.
- (2) The powers conferred by subsection (1)(b) above to search a person shall not be construed as authorising a prisoner custody officer to require a person to [^{F2}submit to an intimate search (within the meaning of section 164(5) of the Customs and Excise Management Act 1979)].
- (3) A prisoner custody officer performing custodial duties at a contracted out prison shall have the following duties as respects prisoners confined in the prison, namely—
 - (a) to prevent their escape from lawful custody;
 - (b) to prevent, or detect and report on, the commission or attempted commission by them of other unlawful acts;
 - (c) to ensure good order and discipline on their part; and
 - (d) to attend to their wellbeing.
- (4) The powers conferred by subsection (1) above, and the powers arising by virtue of subsection (3) above, shall include power to use reasonable force where necessary.

Changes to legislation: Criminal Justice Act 1991, Section 86 is up to date with all changes known to be in force on or before 26 December 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

Textual Amendments

- F1** Words in s. 86(1)(b) inserted (1.11.2007) by [Offender Management Act 2007 \(c. 21\)](#), [ss. 16\(1\)\(a\)](#), [41\(1\)](#); S.I. 2007/3001, [art. 2\(1\)\(a\)](#)
- F2** Words in s. 86(2) substituted (1.11.2007) by [Offender Management Act 2007 \(c. 21\)](#), [ss. 16\(1\)\(b\)](#), [41\(1\)](#); S.I. 2007/3001, [art. 2\(1\)\(a\)](#)
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Commencement Information

- I1** S. 86 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 86 is up to date with all changes known to be in force on or before 26 December 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))