



# Criminal Justice Act 1991

## 1991 CHAPTER 53

### PART IV

#### PROVISION OF SERVICES

##### *Contracted out prisons*

#### **[<sup>F1</sup>86B Powers of authorised persons to perform custodial duties**

(1) In this section—

“restricted activity” means an activity which is (apart from this section) required by section 85(1) to be carried out by an officer of a contracted-out prison who is—

- (a) a prisoner custody officer authorised to perform custodial duties; or
- (b) a prison officer temporarily attached to the prison; and

“worker”, in relation to a contracted out prison, means a person who works at the prison, other than an officer mentioned above.

(2) The Secretary of State may by order specify descriptions of restricted activity that may be the subject of authorisations under subsection (3) given to workers at a contracted-out prison.

(3) A worker at a contracted-out prison may carry out any activity of a description specified under subsection (2), but only if and to the extent that he is for the time being authorised to do so by the director of the prison.

(4) The director may give such authorisation—

- (a) in general or specific terms, subject to any limitations or conditions he considers appropriate; and
- (b) to one or more particular workers or to any worker who is (or comes to be) within a specified description of workers at the prison.

(5) Nothing in an order or authorisation under this section is to be taken as authorising the use of force.

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*Changes to legislation: Criminal Justice Act 1991, Section 86B is up to date with all changes known to be in force on or before 10 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*

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(6) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

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**Textual Amendments**

**F1** S. 86(B) inserted (1.11.2007) by [Offender Management Act 2007 \(c. 21\)](#), **ss. 18(2)**, 41(1); S.I. 2007/3001, **art. 2(1)(c)**

**Changes to legislation:**

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[View outstanding changes](#)

**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))