



Criminal Justice Act 1991

1991 CHAPTER 53

PART IV

PROVISION OF SERVICES

Contracted out prisons

87 Consequential modifications of 1952 Act.

- (1) In relation to a contracted out prison, the provisions of the 1952 Act specified in subsections (2) to (8) below shall have effect subject to the modifications so specified.
- (2) In section 7(1) (prison officers), the reference to a governor shall be construed as a reference to a director and a controller.
- [^{F1}(3) Section 8 (powers of prison officers) shall not apply (but this does not affect the powers of a prison officer who is temporarily attached to the prison).]
- (4) In sections [^{F2}8A(3), (4) and (5)] 10(5), 12(3), 13(1) [^{F3}16A][^{F4}16B]and 19(1) and (3) (various functions of the governor of a prison), references to the governor shall be construed as references to the director.
- [^{F5}(4A) Section 11 (ejection of prison officers and their families refusing to quit) shall not apply.]
- [(5) In section 12(1) and (2) (place of confinement of prisoners), any reference to a prisoner or prisoners shall be construed as a reference to a remand prisoner or prisoners.]
- (6) In section 13(2) (legal custody of prisoner), the reference to an officer of the prison shall be construed as a reference to a prisoner custody officer performing custodial duties at the prison [^{F6}or a prison officer who is temporarily attached to the prison].
- (7) In section 14(2) (cells), the reference to a prison officer shall be construed as a reference to a prisoner custody officer performing custodial duties at the prison [^{F6}or a prison officer who is temporarily attached to the prison].

Changes to legislation: Criminal Justice Act 1991, Section 87 is up to date with all changes known to be in force on or before 15 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

(8) Section 35 (vesting of prison property in the Secretary of State) shall have effect subject to the provisions of the contract entered into under section 84(1) above.

Textual Amendments

- F1** S. 87(3) substituted (1.11.2007) by Offender Management Act 2007 (c. 21), **ss. 20(2)**, 41(1); S.I. 2007/3001, **art. 2(1)(e)**
- F2** Words in s. 87(4) inserted (1.11.2007) by Offender Management Act 2007 (c. 21), **ss. 20(3)**, 41(1); S.I. 2007/3001, **art. 2(1)(e)**
- F3** Words in s. 87(4) inserted (9.1.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 69**; S.I. 1994/3192, **art. 2, Sch.**
- F4** Words in s. 87(4) inserted (21.5.1997) by 1997 c. 38, **ss.2**, 3(2).
- F5** S. 87(4A) inserted (3.11.1994) by 1994 c. 33, **s. 97(4)**.
- F6** Words in s. 87(6)(7) inserted (3.11.1994) by 1994 c. 33, **s. 97(5)**.

Modifications etc. (not altering text)

- C1** S. 87 has effect (9.7.1992) by S.I. 1992/1656, **art. 3** as if s. 87(5) were omitted (which S.I. is revoked (24.2.1993) by S.I. 1993/368, **art. 2**.)
- S. 87 has effect (24.02.1993) by S.I. 1993/368, **art. 4** as if subsection (5) were omitted.

Commencement Information

- I1** S. 87 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:

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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))