



Criminal Justice Act 1991

1991 CHAPTER 53

PART IV

PROVISION OF SERVICES

[^{F1}Contracted out functions

[^{F1}88A Contracted out functions at directly managed prisons.

- (1) The Secretary of State may enter into a contract with another person for any functions at a directly managed prison to be performed by prisoner custody officers who are provided by that person and are authorised to perform custodial duties.
- (2) [^{F2}Sections 86 and 86A] above shall apply in relation to a prisoner custody officer performing contracted out functions at a directly managed prison as [^{F3}they apply] in relation to such an officer performing custodial duties at a contracted out prison.
- (3) In relation to a directly managed prison—
 - (a) the reference in section 13(2) of the 1952 Act (legal custody of prisoners) to an officer of the prison; and
 - (b) the reference in section 14(2) of that Act (cells) to a prison officer,shall each be construed as including a reference to a prisoner custody officer performing custodial duties at the prison in pursuance of a contract under this section.
- (4) Any reference in subsections (1) to (3) above to the performance of functions or custodial duties at a directly managed prison includes a reference to the performance of functions or such duties for the purposes of, or for purposes connected with, such a prison.
- (5) In this Part—

“contracted out functions” means any functions which, by virtue of a contract under this section, fall to be performed by prisoner custody officers;

“directly managed prison” means a prison which is not a contracted out prison.]

Changes to legislation: Criminal Justice Act 1991, Section 88A 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

Textual Amendments

- F1** S. 88A and cross heading inserted (3.11.1994) by 1994 c. 33, **s.99**.
- F2** Words in s. 88A(2) substituted (1.11.2007) by Offender Management Act 2007 (c. 21), **ss. 17(2)(a), 41(1)**; S.I. 2007/3001, **art. 2(1)(b)**
- F3** Words in s. 88A(2) substituted (1.11.2007) by Offender Management Act 2007 (c. 21), **ss. 17(2)(b), 41(1)**; S.I. 2007/3001, **art. 2(1)(b)**

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))