



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART VIII

#### PRISON SERVICES AND THE PRISON SERVICE

#### CHAPTER I

#### ENGLAND AND WALES

#### *Miscellaneous*

#### **99 Contracted out functions at directly managed prisons.**

After section 88 of the 1991 Act there shall be inserted the following section—

*“Contracted out functions*

#### **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) Section 86 above shall apply in relation to a prisoner custody officer performing contracted out functions at a directly managed prison as it applies in relation to such an officer performing custodial duties at a contracted out prison.
- (3) In relation to a directly managed prison—

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**Changes to legislation:** *Criminal Justice and Public Order Act 1994, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 03 July 2018. 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)*

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- (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.” .

## **100 Provision of prisons by contractors.**

- (1) For subsection (2) of section 33 of the <sup>M1</sup>Prison Act 1952 (power to declare buildings etc. to be prisons) there shall be substituted the following subsection—
- “(2) The Secretary of State may provide new prisons by declaring to be a prison—
- (a) any building or part of a building built for the purpose or vested in him or under his control; or
  - (b) any floating structure or part of such a structure constructed for the purpose or vested in him or under his control.”.

(2) Subsections (3) and (4) below apply where the Secretary of State enters into a contract with another person (“the contractor”) for the provision by him of a prison.

(3) Section 33(2) of the <sup>M2</sup>Prison Act 1952 shall have effect as if it also included references to—

    - (a) any building or part of a building built by the contractor for the purpose or vested in him or under his control; and
    - (b) any floating structure or part of such a structure constructed by the contractor for the purpose or vested in him or under his control.

(4) Nothing in section 35(1) of that Act (prison property to be vested in the Secretary of State [<sup>F1</sup>for Justice]) shall require the prison or any real or personal property belonging to the prison to be vested in the Secretary of State [<sup>F1</sup>for Justice] .

### **Annotations:**

#### **Amendments (Textual)**

- F1** Words in s. 100(4) inserted (22.8.2007) by [The Secretary of State for Justice Order 2007 \(S.I. 2007/2128\)](#), arts. 1(2), 8, [Sch. para. 6](#)

#### **Marginal Citations**

- M1** 1952 c. 52.

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**M2** [1952 c. 52.](#)

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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. 51(10)(a) (ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)