



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART VIII

PRISON SERVICES AND THE PRISON SERVICE

CHAPTER III

NORTHERN IRELAND

Prisoner escorts

[^{F1}117A Exercise of functions by the Department of Justice

- (1) This Chapter, except so far as it relates to the delivery of prisoners to or from premises situated outside the United Kingdom, has effect subject to the following modifications.
- (2) Any reference to the Secretary of State is to be read as a reference to the Department of Justice in Northern Ireland.
- (3) Subsections (4) and (5) below apply instead of section 120(6) and paragraph 3(3) of Schedule 7.
- (4) The power of the Department of Justice to make rules under section 120 or to make regulations under paragraph 3 of Schedule 7 shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.
- (5) Rules made by the Department of Justice under section 120, and regulations made by the Department of Justice under paragraph 3 of Schedule 7, shall be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).]

Changes to legislation: *Criminal Justice and Public Order Act 1994, Cross Heading: Prisoner escorts is up to date with all changes known to be in force on or before 29 August 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)*

Annotations:

Amendments (Textual)

- F1** S. 117A inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 7 para. 2](#) (with arts. 28-31)

118 Arrangements for the provision of prisoner escorts.

(1) The Secretary of State may make arrangements for any of the following functions, namely—

- (a) the delivery of prisoners from one set of relevant premises to another;
- (b) the custody of prisoners held on the premises of any court (whether or not they would otherwise be in the custody of the court) and their production before the court;
- (c) the custody of prisoners temporarily held in a prison in the course of delivery from one prison to another; and
- (d) the custody of prisoners while they are outside a prison for temporary purposes;

to be performed in such cases as may be determined by or under the arrangements by prisoner custody officers who are authorised to perform such functions.

(2) In paragraph (a) of subsection (1) above, “relevant premises” means a court, prison, police station or hospital; and either (but not both) of the sets of premises mentioned in that paragraph may be situated in a part of the British Islands outside Northern Ireland.

(3) Arrangements made by the Secretary of State under this section (“prisoner escort arrangements”) may include entering into contracts with other persons for the provision by them of prisoner custody officers.

(4) Any person who, under a warrant or a hospital order or remand, is responsible for the performance of any such function as is mentioned in subsection (1) above shall be deemed to have complied with that warrant, order or remand if he does all that he reasonably can to secure that the function is performed by a prisoner custody officer acting in pursuance of prisoner escort arrangements.

(5) In this section—

“hospital” has the same meaning as in the ^{M1}Mental Health (Northern Ireland) Order 1986;

“hospital order” means an order for a person’s admission to hospital under Article 44, 45, 49 or 50 of that Order, or section 11 or 13 of the ^{M2}Criminal Appeal (Northern Ireland) Act 1980;

“hospital remand” means a remand of a person to hospital under Article 42 or 43 of the Mental Health (Northern Ireland) Order 1986;

“warrant” means a warrant of commitment, a warrant of arrest or a warrant under Article 52, 53, 54, 56 or 79 of that Order.

Annotations:

Extent Information

- E1** S. 118 extends to Northern Ireland and the British Islands see s. 172(14)

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Marginal Citations

M1 S.I. 1986/595 (N.I. 4).

M2 1980 c. 47.

119 Monitoring etc. of prisoner escort arrangements.

- (1) Prisoner escort arrangements shall include the appointment of a prisoner escort monitor, that is to say, a Crown servant whose duty it shall be to keep the arrangements under review and to report on them to the Secretary of State.
- (2) It shall also be the duty of a prisoner escort monitor to investigate and report to the Secretary of State on—
 - (a) any allegations made against prisoner custody officers acting in pursuance of the arrangements; and
 - (b) any alleged breaches of discipline on the part of prisoners for whose delivery or custody such officers so acting are responsible.

120 Powers and duties of prisoner custody officers acting in pursuance of such arrangements.

- (1) A prisoner custody officer acting in pursuance of prisoner escort arrangements shall have the following powers, namely—
 - (a) to search in accordance with rules made by the Secretary of State any prisoner for whose delivery or custody he is responsible in accordance with the arrangements; and
 - (b) to search any other person who is in or is seeking to enter any place where any such prisoner is or is to be held 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 remove any of his clothing other than an outer coat, hat, jacket or gloves.
- (3) A prisoner custody officer shall have the following duties as respects prisoners for whose delivery or custody he is responsible in pursuance of prisoner escort arrangements, 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;
 - (d) to attend to their wellbeing; and
 - (e) to give effect to any directions as to their treatment which are given by a court, and the Secretary of State may make rules with respect to the performance by prisoner custody officers of their duty under paragraph (d) above.
- (4) Where a prisoner custody officer acting in pursuance of prisoner escort arrangements is on any premises in which a magistrates' court is sitting, it shall be his duty to give effect to any order of that court made under Article 110 of the ^{M3}Magistrates' Courts (Northern Ireland) Order 1981 (application of funds found upon defaulter).

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- (5) The powers conferred by subsection (1) above and the powers arising by virtue of subsections (3) and (4) above shall include power to use reasonable force where necessary.
- (6) The power to make rules under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Annotations:

Extent Information

E2 S. 120 extends to Northern Ireland and British Islands see s. 172(14)

Marginal Citations

M3 [S.I. 1981/1675 \(N.I.26\)](#).

121 Breaches of discipline by prisoners under escort.

- (1) This section applies where a prisoner for whose delivery or custody a prisoner custody officer has been responsible in pursuance of prisoner escort arrangements is delivered to a prison.
- (2) For the purpose of such prison rules as relate to disciplinary offences, the prisoner shall be deemed to have been in the custody of the governor of the prison at all times during the period for which the prisoner custody officer was so responsible.
- (3) In the case of any breach by the prisoner at any time during the period of such prison rules as so relate, a disciplinary charge may be laid against him by the prisoner custody officer.
- (4) Nothing in this section shall enable a prisoner to be punished under prison rules for any act or omission of his for which he has already been punished by a court.
- (5) In this section “prison rules”, in relation to a prison situated in a part of the British Islands outside Northern Ireland, means rules made under any provision of the law of that part which corresponds to section 13 of the ^{M4}Prison Act (Northern Ireland) 1953.

Annotations:

Extent Information

E3 S. 121 extends to Northern Ireland and British Islands see s. 172(14)

Marginal Citations

M4 [1953 c. 18 \(N.I.\)](#).

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