Offender Management Act 2007

2007 CHAPTER 21

PART 2

PRISONS

Contracted out prisons and secure training centres

17 Power of detention in contracted out prisons and secure training centres

(1) After section 86 of the Criminal Justice Act 1991 there is inserted—

"**86A Power of prisoner custody officers to detain suspected offenders**

(1) A prisoner custody officer performing custodial duties at a contracted out prison shall have the following powers in relation to any person who is in or is seeking to enter the prison (other than a prisoner confined in the prison).

(2) Where the officer has reason to believe that the person is committing or has committed an offence under any of sections 39 to 40D of the Prison Act 1952, the officer may—

(a) require the person to wait with him for the arrival of a constable for such period as may be necessary (not exceeding two hours); and

(b) use reasonable force to prevent the person from making off while subject to a requirement under paragraph (a).

(3) A person who makes off while subject to such a requirement is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(4) In subsection (2), a reference to an offence under a particular provision includes a reference to any offence consisting of an attempt to commit, incitement or conspiracy to commit, or aiding, abetting, counselling or procuring the commission of, an offence under that provision."

Changes to legislation: *Offender Management Act 2007, Section 17 is up to date with all changes known to be in force on or before 22 May 2024. 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*

(2) In section 88A(2) of that Act (contracted out functions at a directly managed prison)—

(a) for "Section 86" there is substituted " Sections 86 and 86A "; and

(b) for "it applies" there is substituted " they apply ".

(3) After section 9 of the Criminal Justice and Public Order Act 1994 (c. 33) there is inserted—

"**9A Power of custody officers to detain suspected offenders**

(1) A custody officer performing custodial duties at a contracted out secure training centre shall have the following powers in relation to any person who is in or is seeking to enter the centre (other than a person detained in the centre).

(2) Where the officer has reason to believe that the person is committing or has committed an offence under any of sections 39 to 40D of the Prison Act 1952, the officer may—

(a) require the person to wait with him for the arrival of a constable for such period as may be necessary (not exceeding two hours); and

(b) use reasonable force to prevent the person from making off while subject to a requirement under paragraph (a).

(3) A person who makes off while subject to such a requirement is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(4) In subsection (2), a reference to an offence under a particular provision includes a reference to any offence consisting of an attempt to commit, incitement or conspiracy to commit, or aiding, abetting, counselling or procuring the commission of, an offence under that provision."

(4) In section 11(2) of that Act (contracted out functions at directly managed secure training centres)—

(a) for "Section 9" there is substituted " Sections 9 and 9A "; and

(b) for "it applies" there is substituted " they apply ".

Commencement Information

I1 S. 17 in force at 1.11.2007 by S.I. 2007/3001, **art. 2(1)(b)**

Changes to legislation:
Offender Management Act 2007, Section 17 is up to date with all changes known to be in force on or before 22 May 2024. 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.
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. 14(2)(da) inserted by 2015 c. 2 Sch. 3 para. 15