

# CRIMINAL JUSTICE AND IMMIGRATION ACT 2008

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## EXPLANATORY NOTES

### SUMMARY

#### **Part 11: Miscellaneous**

66. [Section 138](#) reintroduces a statutory prohibition on the inducement of industrial action or breaches of discipline by prison officers in England and Wales and Scotland. Industrial action is defined for the purposes of section 127 of the Criminal Justice and Public Order Act 1994 as “the withholding of services as a prison officer” or “any action that would be likely to put at risk the safety of any person”. Section 139 also provides a power for the Secretary of State to suspend or later revive the operation of the statutory prohibition by order.
67. [Section 140](#) and Schedule 24 place a duty on MAPPA authorities (police, prison and probation services) to consider, in each case, disclosure to members of the public of information in its possession relating to the convictions of any child sex offender being managed by it.
68. [Section 141](#) amends the criteria necessary for Sexual Offences Prevention Orders to be made.
69. [Section 142](#) amends the Sexual Offences Act 2003 in order to allow the Secretary of State to add, through secondary legislation, to the notification requirements placed on those convicted or cautioned of relevant sexual offences or otherwise subject to the sex offender notification requirements.
70. [Section 143](#) enables a magistrates’ court to impose a restricted premises order or a restricted sales order on those who have persistently sold tobacco to under 18s.
71. [Section 144](#) inserts new sections 55A to 55E into the Data Protection Act 1998. These new sections create a framework for the Information Commissioner to serve a monetary penalty notice on a data controller.
72. [Section 145](#) gives effect to Schedule 25, which makes changes to armed forces legislation similar to certain provisions of the Act.
73. [Section 146](#) provides that the Secretary of State does not have to deport a person automatically where he thinks this would be contrary to the United Kingdom’s obligations under the Council of Europe Convention on Action against Trafficking in Human Beings.