

These notes refer to the Criminal Justice and Immigration Act 2008 (c.4) which received Royal Assent on 8 May 2008

CRIMINAL JUSTICE AND IMMIGRATION ACT 2008

EXPLANATORY NOTES

BACKGROUND

Part 11 - Miscellaneous

94. Section 127 of the Criminal Justice and Public Order Act 1994 enabled the Secretary of State (or in Scotland, Scottish Ministers) to bring an action against any person who causes loss or damage by inducing a prison officer to withhold his services as such an officer or to commit a breach of discipline. It also enabled actions to be brought where there was an anticipated contravention of the section. The effect of the Regulatory Reform (Prison Officers) (Industrial Action) Order 2005 (the 2005 Order) was that section 127 no longer applied in relation to such an inducement in respect of a prison officer in England and Wales, or in Scotland, although it continued to apply in respect of prison officers in Northern Ireland as well as custody officers in private sector prisons.
95. The 2005 Order followed the signing of the Joint Industrial Relations Partnership Agreement (JIRPA) between the Prison Service and POA which included an express undertaking by the POA not to “induce, authorise or support any form of industrial action by any of its members employed in the Prison Service relating to a dispute concerning any matter, whether covered by this agreement or otherwise”. A similar Voluntary Agreement was signed by the Scottish Prison Service and POA. The POA subsequently gave notice of their withdrawal from the JIRPA which expired on 8 May 2008. The POA in Scotland has not withdrawn from their equivalent agreement.
96. [Section 138](#) reintroduces a statutory prohibition on inducing prison officers in England and Wales and Scotland to take industrial action or commit a breach of discipline.
97. The “Review of the Protection of Children from Sex Offenders” was commissioned by the Home Secretary in June 2006 and was published in June 2007 (available at www.homeoffice.gov.uk/documents/CSOR/chid-sex-offender-review-130607?view=Binary). Sections 140 to 142 give effect to some of the recommendations of the review.
98. In the 2004 *Choosing Health* White Paper, the Government signalled its intention to introduce preventative orders to deal more effectively with those who repeatedly sell tobacco products to under-age children. The implementation of the scheme was the subject of public consultation in July. A summary of the responses to this consultation together with the Government’s response was published in February 2007 (available at www.dh.gov.uk/en/Consultations/Responsestoconsultations/DH_065350). Section 143 gives effect to the scheme.
99. The Home Secretary announced in January 2008 the Government’s intention to ratify the Council of Europe Convention against trafficking during 2008. A copy of the Convention is available at http://www.coe.int/t/dg2/trafficking/campaign/Source/PDF_Conv_197_Trafficking_E.pdf. Section 146 ensures that the UK can comply with the Convention once it has been ratified.