



Criminal Justice and Immigration Act 2008

2008 CHAPTER 4

PART 11

MISCELLANEOUS

Industrial action by prison officers

138 Amendment of section 127 of Criminal Justice and Public Order Act 1994

- (1) Section 127 of the Criminal Justice and Public Order Act 1994 (c. 33) (inducements to prison officers to withhold services or breach discipline) is amended as follows.
- (2) In subsection (1), for paragraph (a) substitute—
 - “(a) to take (or continue to take) any industrial action;”.
- (3) After subsection (1) insert—
 - “(1A) In subsection (1) “industrial action” means—
 - (a) the withholding of services as a prison officer; or
 - (b) any action that would be likely to put at risk the safety of any person (whether a prisoner, a person working at or visiting a prison, a person working with prisoners or a member of the public).”
- (4) In subsection (4), after paragraph (a) insert—
 - “(aa) holds any post, other than as a chaplain or assistant chaplain, to which he has been appointed for the purposes of section 7 of the Prison Act 1952 (appointment of prison staff).”.
- (5) In subsection (4), after paragraph (aa) (inserted by subsection (4) above) insert—
 - “(b) holds any post, otherwise than as a medical officer, to which he has been appointed for the purposes of section 3(1A) of the Prisons (Scotland) Act 1989;”.

Changes to legislation: Criminal Justice and Immigration Act 2008, Cross Heading: Industrial action by prison officers is up to date with all changes known to be in force on or before 23 March 2019. 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:**Commencement Information**

II S. 138 partly in force; s. 138(1)-(4) in force at Royal Assent, see s. 153(1)(d)

139 Power to suspend the operation of section 127 of Criminal Justice and Public Order Act 1994

After section 127 of the Criminal Justice and Public Order Act 1994 (c. 33) insert—

“127A Power to suspend the operation of section 127

- (1) The Secretary of State may make orders suspending, or later reviving, the operation of section 127.
- (2) An order under this section may make different provision in relation to different descriptions of prison officer.
- (3) The power to make orders under this section is exercisable by statutory instrument.
- (4) A statutory instrument containing an order under this section may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.”

Changes to legislation:

Criminal Justice and Immigration Act 2008, Cross Heading: Industrial action by prison officers is up to date with all changes known to be in force on or before 23 March 2019. 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.

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):

- Sch. 7 para. 5A and cross-heading inserted by [2008 c. 25 Sch. 1 para. 90\(3\)](#)