
STATUTORY INSTRUMENTS

2007 No. 1173

PRISONS, ENGLAND AND WALES

Her Majesty's Chief Inspector of Prisons
(Specified Organisations) Order 2007

<i>Made</i>	- - - -	<i>3rd April 2007</i>
<i>Laid before Parliament</i>		<i>10th April 2007</i>
<i>Coming into force</i>	- -	<i>1st May 2007</i>

The Secretary of State makes the following Order in exercise of the powers conferred by paragraph 3(4) of Schedule A1 to the Prison Act 1952(1):

Citation, commencement and interpretation

1.—(1) This Order may be cited as Her Majesty's Chief Inspector of Prisons (Specified Organisations) Order 2007 and shall come into force on 1st May 2007.

(2) In this Order—

- “the 1952 Act” means the Prison Act 1952;
- “the 1991 Act” means the Criminal Justice Act 1991(2);
- “the 1999 Act” means the Immigration and Asylum Act 1999(3).

Specified organisations

2. The following persons are specified as organisations for the purposes of paragraph 3(4) of Schedule A1 to the 1952 Act (inspections by other inspectors of organisations within Chief Inspector's remit)—

- (a) a Governor or other person working at a prison as defined in section 53(1) of the 1952 Act (interpretation);
- (b) a director, controller or other person working at a contracted out prison as defined in section 84(4) of the 1991 Act (contracted out prisons)(4);

(1) 1952 c. 52. Schedule A1 was inserted by section 28 of the Police and Justice Act 2006 (c. 48).

(2) 1991 c. 53.

(3) 1999 c. 33.

(4) Section 84(4) was substituted by section 96 of the Criminal Justice and Public Order Act 1994 (c. 33). By virtue of section 92(1) of the 1991 Act “contracted out prison” includes a contracted out young offender institution.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) a Governor or other person working at a young offender institution as defined in section 43(1)(aa) of the 1952 Act (remand centres and young offender institutions)(5);
- (d) a Governor or other person working at a remand centre as defined in section 43(1)(a) of the 1952 Act(6);
- (e) the manager or other person working at a removal centre as defined in section 147 of the 1999 Act (interpretation)(7);
- (f) any person working at a short-term holding facility as defined in section 147 of the 1999 Act;
- (g) any person exercising escort functions under arrangements made under section 80 of the 1991 Act (arrangements for the provision of prisoner escorts)(8); and
- (h) any person exercising escort functions under arrangements made under section 156 of the 1999 Act (arrangements for the provision of escorts and custody)(9).

Home Office
3rd April 2007

Tony McNulty
Minister of State

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- (5) The definition given to a “young offender institution” in section 43(1)(aa) was inserted by section 170 of, and paragraph 11 of Schedule 15 to, the Criminal Justice Act 1988 (c. 33).
 - (6) Section 43(1)(a) is repealed by sections 59 and 75 of, and Schedule 8 to, the Criminal Justice and Court Services Act 2000 (c. 43). The repeal is not yet in force and will be in force on a date to be appointed by section 80(1) of the 2000 Act.
 - (7) The definition given to “removal centre” in section 147 was inserted by section 66(1)(b) of the Nationality, Immigration and Asylum Act 2002 (c. 41).
 - (8) Section 80 was amended by section 93 of the Criminal Justice and Public Order Act 1994.
 - (9) Section 156 was amended by section 26(7) of, and paragraph 15 of Part 1 of Schedule 2 to, the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c. 19).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies certain persons as “organisations” for the purposes of paragraph 3(4) of Schedule A1 to the Prison Act 1952, which was inserted by section 28 of the Police and Justice Act 2006. Paragraph 3 of Schedule A1 imposes a duty on Her Majesty’s Chief Inspector of Prisons to prevent or limit certain proposed inspections of specified organisations in order to prevent an unreasonable burden being imposed on those organisations. The specified organisations are the persons listed in article 3 of this Order.

The specification has an effect if a person or body falling within paragraph 3(2) of Schedule A1 proposes to inspect one of the specified organisations. The persons or bodies in paragraph 3(2) are: Her Majesty’s Inspectorate of the National Probation Service for England and Wales; Her Majesty’s Chief Inspector of Education, Children’s Services and Skills; the Commission for Healthcare Audit and Inspection; the Commission for Social Care Inspection; and the Audit Commission for Local Government and the National Health Service in England and Wales.

If Her Majesty’s Chief Inspector of Prisons considers that the proposed inspection by one of these persons or bodies would impose an unreasonable burden on one of the specified organisations, listed in article 2, the Chief Inspector must give notice to that person or body not to carry out the proposed inspection or not to carry it out in a particular manner.