



# 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;”.

**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.”