



Criminal Justice Act 1991

1991 CHAPTER 53

PART IV

PROVISION OF SERVICES

Supplemental

89 Certification of prisoner custody officers

- (1) In this Part “prisoner custody officer” means a person in respect of whom a certificate is for the time being in force certifying—
 - (a) that he has been approved by the Secretary of State for the purpose of performing escort functions or custodial duties or both; and
 - (b) that he is accordingly authorised to perform them.
- (2) The provisions of Schedule 10 to this Act shall have effect with respect to the certification of prisoner custody officers.
- (3) In this section and Schedule 10 to this Act—
 - “custodial duties” means custodial duties at a [^{F1}contracted out or directly managed prison];
 - “escort functions” means the functions specified in section 80(1) above.

Textual Amendments

F1 Words in s. 89(3) substituted (3.11.1994) by 1994 c. 33, s. 101(4).

Modifications etc. (not altering text)

C1 S. 89: transfer of functions (20.4.2000) by S.I. 2000/1160, art. 4(1)(2)(h)

Commencement Information

I1 S. 89 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

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90 Protection of prisoner custody officers.

- (1) Any person who assaults a prisoner custody officer
- [^{F2}(a) acting in pursuance of prisoner escort arrangements;
 - (b) performing custodial duties at a contracted out prison; or
 - (c) performing contracted out functions at a directly managed prison,]
- shall be liable on summary conviction to fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months or to both.
- (2) Section 17(2) of the ^{M1}Firearms Act 1968 (additional penalty for possession of firearms when committing certain offences) shall apply to offences under subsection (1) above.
- (3) Any person who resists or wilfully obstructs a prisoner custody officer
- [^{F2}(a) acting in pursuance of prisoner escort arrangements;
 - (b) performing custodial duties at a contracted out prison; or
 - (c) performing contracted out functions at a directly managed prison,]
- shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) For the purposes of this section, a prisoner custody officer shall not be regarded as acting in pursuance of prisoner escort arrangements at any time when he is not readily identifiable as such an officer (whether by means of a uniform or badge which he is wearing or otherwise).

Textual Amendments

F2 Words in s. 90(1)(3) substituted (3.11.1994) by 1994 c. 33, s. 101(5).

Commencement Information

I2 S. 90 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

Marginal Citations

M1 1968 c. 27.

91 Wrongful disclosure of information.

- (1) A person who
- [^{F3}(a) is or has been employed (whether as a prisoner custody officer or otherwise) in pursuance of prisoner escort arrangements, or at a contracted out prison; or
 - (b) is or has been employed to perform contracted out functions at a directly managed prison,]
- shall be guilty of an offence if he discloses, otherwise than in the course of his duty or as authorised by the Secretary of State, any information which he acquired in the course of his employment and which relates to a particular prisoner.
- (2) A person guilty of an offence under subsection (1) above shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both;
 - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.

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Textual Amendments

F3 Words in s. 91(1) substituted (3.11.1994) by 1994 c. 33, s. 101(6).

Commencement Information

I3 S. 91 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

92 Interpretation of Part IV.

- (1) In this Part [^{F4}unless the context otherwise requires]—
- “contracted out prison” and “the contractor” have the meanings given by [^{F5}section 84(4)] above;
 - [^{F6}“contracted out functions” and “directly managed prison” have the meanings given by section 88A(5) above;]
 - ^{F7}.....
 - ^{F8}.....
 - “prison” includes a young offender institution or remand centre;
 - [^{F6}“prison officer” means an officer of a directly managed prison;
 - “prison rules” means rules made under section 47 of the 1952 Act;]
 - [^{F9}“prisoner” means any person for the time being detained in legal custody as a result of a requirement imposed by a court or otherwise that he be so detained;]
 - “prisoner custody officer” has the meaning given by section 89(1) above;
 - “prisoner escort arrangements” has the meaning given by section 80(2) above.
 - [^{F6}“sub-contractor” has the meaning given by section 84(4) above.]

[^{F10}(1A) Any reference in this Part to custodial duties at a contracted out prison includes a reference to custodial duties in relation to a prisoner who is outside such a prison for temporary purposes.]

^{F11}(2)

- (3) Sections 80, 81(1) and (2)(a), 82 and 89 to 91 above, subsection (1) above and Schedule 10 to this Act shall have effect as if—
- (a) any reference in section 80(1), 81(1), 82 or 91 above to prisoners included a reference to persons [^{F12}remanded [^{F13}to local authority accommodation or youth detention accommodation under section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012]] by virtue of a security requirement imposed under section 23(4) of the 1969 Act (remands and committals to local authority accommodation); and
 - (b) any reference in [^{F12}section 80(1)(c) or (e) or (1A)] above to a prison included a reference to [^{F14}accommodation in which a person is or is to be accommodated pursuant to such a remand].

[^{F15}(4) In sections 80, 82 and 83 above, “prison”—

- (a) so far as relating to the delivery of prisoners to or from a prison situated in Scotland, includes a remand centre or young offenders institution within the meaning of section 19 of the ^{M2}Prisons (Scotland) Act 1989; and

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- (b) so far as relating to the delivery of prisoners to or from a prison situated in Northern Ireland, includes a remand centre or young offenders centre.]

Textual Amendments

- F4** Words in s. 92(1) inserted (3.11.1994) by 1994 c. 33, s. 101(7)(a).
F5 Words in s. 92(1) substituted (3.11.1994) by 1994 c. 33, s. 101(7)(b).
F6 Definitions in s. 92(1) inserted (3.11.1994) by 1994 c. 33, s. 101(7)(c)-(e).
F7 S. 92(1): definition of "court-house" repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110, Sch. 8 para. 352(2); Sch. 10, S.I. 2005/910, {art. 3(y)}
F8 S. 92(1): definition of "court security officer" repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110, Sch. 8 para. 352(2); Sch. 10, S.I. 2005/910, {art. 3(y)}
F9 Definition in s. 92(1) substituted (3.11.1994) by 1994 c. 33, s. 93(5).
F10 S. 92(1A) inserted (3.11.1994) by 1994 c. 33, s. 98.
F11 S. 92(2) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110, Sch. 8 para. 352(3); Sch. 10, S.I. 2005/910, {art. 3(y)}
F12 Words in s. 92(3) substituted (3.11.1994) by 1994 c. 33, s. 93(6).
F13 Words in s. 92(3)(a) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 12 para. 31(a); S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))
F14 Words in s. 92(3)(b) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 12 para. 31(b); S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))
F15 S. 92(4) inserted (3.11.1994) by 1994 c. 33, s. 93(7).

Commencement Information

- I4** S. 92 partly in force; s. 92(3) not in force; s. 92(1) in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3; s. 92(2) in force at 1.4.1992 see S.I. 1992/333, art. 2(1), Sch. 1
 S. 92(3) shall come into force on the day appointed by the Secretary of State by order under s. 62(1) see S.I. 1992/333, art. 2(5), Sch. 3

Marginal Citations

- M2** 1989 c. 45.

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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):

- s. 24(2)(ba) inserted by [2013 c. 22 s. 26\(7\)](#)
- s. 46(3)(aa) substituted for word by [2008 c. 4 s. 33\(7\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))
- s. 46ZA inserted by [2008 c. 4 s. 33\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))