



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART VIII

PRISON SERVICES AND THE PRISON SERVICE

CHAPTER I

ENGLAND AND WALES

Prisoner escorts

93 Arrangements for the provision of prisoner escorts.

(1) In subsection (1) of section 80 (arrangements for the provision of prisoner escorts) of the ^{M1}Criminal Justice Act 1991 (“the 1991 Act”)—

- (a) for paragraph (a) there shall be substituted the following paragraph—
 - “(a) the delivery of prisoners from one set of relevant premises to another;”;
- (b) in paragraph (b), for the words “such premises” there shall be substituted the words “the premises of any court”; and
- (c) for paragraphs (c) and (d) there shall be substituted the following paragraph—
 - “(c) the custody of prisoners temporarily held in a prison in the course of delivery from one prison to another; and”.

(2) After that subsection there shall be inserted the following subsection—

“(1A) In paragraph (a) of subsection (1) above “relevant premises” means a court, prison, police station or hospital; and either (but not both) of the sets of premises mentioned in that paragraph may be situated in a part of the British Islands outside England and Wales.”.

Changes to legislation: *Criminal Justice and Public Order Act 1994, Cross Heading: Prisoner escorts is up to date with all changes known to be in force on or before 12 July 2023. 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) View outstanding changes*

- (3) In subsection (3) of that section, for the words “a warrant of commitment” there shall be substituted the words “a warrant or a hospital order or remand” and for the words “that warrant” there shall be substituted the words “the warrant, order or remand”.
- (4) After that subsection there shall be inserted the following subsection—
- “(4) In this section—
- “hospital” has the same meaning as in the ^{M2}Mental Health Act 1983;
- “hospital order” means an order for a person’s admission to hospital made under section 37, 38 or 44 of that Act, section 5 of the ^{M3}Criminal Procedure (Insanity) Act 1964 or section 6, 14 or 14A of the ^{M4}Criminal Appeal Act 1968;
- “hospital remand” means a remand of a person to hospital under section 35 or 36 of the Mental Health Act 1983;
- “warrant” means a warrant of commitment, a warrant of arrest or a warrant under section 46, 47, 48, 50 or 74 of that Act.”.
- (5) In subsection (1) of section 92 of that Act (interpretation of Part IV), for the definition of “prisoner” there shall be substituted the following definition—
- ““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;”.
- (6) In subsection (3) of that section—
- (a) for the words from “kept” to “accommodation)” there shall be substituted the words “remanded or committed to local authority accommodation under section 23 of the 1969 Act”; and
- (b) for the words “section 80(1)(c) to (e)” there shall be substituted the words “section 80(1)(c) or (e) or (1A)”.
- (7) After that subsection there shall be inserted the following subsection—
- “(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 ^{M5}Prisons (Scotland) Act 1989; and
- (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.”.

Extent Information

E1 [S. 93](#) extends to England and Wales and the British Islands see [s. 172\(7\)\(11\)](#)

Marginal Citations

M1 [1991 c. 53.](#)
M2 [1983 c. 20.](#)
M3 [1964 c. 84.](#)
M4 [1968 c. 19.](#)

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M5 1989 c. 45.

94 Powers and duties of prisoner custody officers acting in pursuance of such arrangements.

- (1) For subsection (4) of section 82 of the 1991 Act (powers and duties of prisoner custody officers acting in pursuance of such arrangements) there shall be substituted the following subsection—

“(4) Where a prisoner custody officer acting in pursuance of prisoner escort arrangements is on any premises in which the Crown Court or a magistrates’ court is sitting, it shall be his duty to give effect to any order of that court made—

- (a) in the case of the Crown Court, under section 34A of the 1973 Act (power of Court to order search of persons before it); or
- (b) in the case of a magistrates’ court, under section 80 of the 1980 Act (application of money found on defaulter).”.

- (2) After subsection (2) of section 6 of the ^{M6}Imprisonment (Temporary Provisions) Act 1980 (detention in the custody of a police constable) there shall be inserted the following subsection—

“(3) Any reference in this section to a constable includes a reference to a prisoner custody officer (within the meaning of Part IV of the ^{M7}Criminal Justice Act 1991) acting in pursuance of prisoner escort arrangements (within the meaning of that Part).”.

Marginal Citations

M6 1980 c. 57.

M7 1991 c. 53.

95 Breaches of discipline by prisoners under escort.

For section 83 of the 1991 Act there shall be substituted the following section—

“83 Breaches of discipline by prisoners under escort.

- (1) This section applies where a prisoner for whose delivery or custody a prisoner custody officer has been responsible in pursuance of prisoner escort arrangements is delivered to a prison.
- (2) For the purposes of such prison rules as relate to disciplinary offences, the prisoner shall be deemed to have been—
 - (a) in the custody of the governor of the prison; or
 - (b) in the case of a contracted out prison, in the custody of its director, at all times during the period for which the prisoner custody officer was so responsible.
- (3) In the case of any breach by the prisoner at any time during that period of such prison rules as so relate, a disciplinary charge may be laid against him by the prisoner custody officer.

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- (4) Nothing in this section shall enable a prisoner to be punished under prison rules for any act or omission of his for which he has already been punished by a court.
- (5) In this section “prison rules”, in relation to a prison situated in a part of the British Islands outside England and Wales, means rules made under any provision of the law of that part which corresponds to section 47 of the 1952 Act.”.

Extent Information

E2 [S. 95](#) extends to England and Wales and the British Islands see [s. 172\(7\)\(11\)](#)

Changes to legislation:

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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. 51(10)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)