



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART VIII

#### PRISON SERVICES AND THE PRISON SERVICE

### CHAPTER I

#### ENGLAND AND WALES

#### *Supplemental*

#### **101 Minor and consequential amendments.**

- (1) In subsection (5) of section 85 of the 1991 Act (officers of contracted out prisons), for the words “The contractor shall” there shall be substituted the words “ The contractor and any sub-contractor of his shall each ”.
- (2) In subsection (3)(b) of section 88 of that Act (intervention by the Secretary of State), for the words “the contractor shall” there shall be substituted the words “ the contractor and any sub-contractor of his shall each ”.
- (3) In subsection (5) of that section, after the words “the contractor,” there shall be inserted the words “ any sub-contractor of his, ”.
- (4) In subsection (3) of section 89 of that Act (certification of prisoner custody officers), for the words “contracted out prison” there shall be substituted the words “ contracted out or directly managed prison ”.
- (5) In subsections (1) and (3) of section 90 of that Act (protection of prisoner custody officers), for the words from “acting” to “prison” there shall be substituted the words—
  - “(a) acting in pursuance of prisoner escort arrangements;

*Status: Point in time view as at 01/07/1999.*

*Changes to legislation: Criminal Justice and Public Order Act 1994, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 28 May 2024. 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)*

- (b) performing custodial duties at a contracted out prison; or
  - (c) performing contracted out functions at a directly managed prison.”
- (6) In subsection (1) of section 91 of that Act (wrongful disclosure of information), for the words from “is or has been” to “prison” there shall be substituted the words—
- “(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.”
- (7) In subsection (1) of section 92 of that Act (interpretation of Part IV)—
- (a) after the words “In this Part” there shall be inserted the words “ unless the context otherwise requires ”;
  - (b) in the definitions of “contracted out prison” and “contractor”, for the words “section 84(2)” there shall be substituted the words “ section 84(4) ”;
  - (c) after those definitions there shall be inserted the following definitions—
    - ““contracted out functions” and “directly managed prison” have the meanings given by section 88A(5) above;”;
  - (d) after the definition of “prison” there shall be inserted the following definitions—
    - ““prison officer” means an officer of a directly managed prison;
    - “prison rules” means rules made under section 47 of the 1952 Act;”;
    - and
  - (e) after the definition of “prisoner escort arrangements” there shall be inserted the following definition—
    - ““sub-contractor” has the meaning given by section 84(4) above.”.
- (8) After subsection (7) of section 102 of the 1991 Act (short title, commencement and extent) there shall be inserted the following subsection—
- “(7A) Sections 80, 82 and 83 above, so far as relating to the delivery of prisoners to or from premises situated in a part of the British Islands outside England and Wales, extend to that part of those Islands.”.
- (9) For sub-paragraph (1) of paragraph 3 of Schedule 10 to that Act (certification of prisoner custody officers) there shall be substituted the following sub-paragraph—
- “(1) This paragraph applies where at any time—
- (a) in the case of a prisoner custody officer acting in pursuance of prisoner escort arrangements, it appears to the prisoner escort monitor for the area concerned that the officer is not a fit and proper person to perform escort functions;
  - (b) in the case of a prisoner custody officer performing custodial duties at a contracted out prison, it appears to the controller of that prison that the officer is not a fit and proper person to perform custodial duties; or
  - (c) in the case of a prisoner custody officer performing contracted out functions at a directly managed prison, it appears to the governor of that prison that the officer is not a fit and proper person to perform custodial duties.”.

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(10) In sub-paragraph (2) of that paragraph, for the words “or controller” there shall be substituted the words “ controller or governor ”.

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**Extent Information**

**E1** S. 101 extends to England and Wales only except that s. 101(8) extends also to the British Islands see s. 172(7)(11)

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