



# 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;

---

**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 05 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*

---

- (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.”.

---

**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 05 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](#)

---

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

---

**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\(7\)\(11\)](#)

**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 05 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.

[View outstanding changes](#)

**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\(3\)](#)