



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART VIII

#### PRISON SERVICES AND THE PRISON SERVICE

### CHAPTER II

#### COTLAND

#### *Contracted out functions*

#### **112 Contracted out functions at directly managed prisons**

- (1) The Secretary of State may enter into a contract with another person for any functions at a directly managed prison to be performed by prisoner custody officers who are provided by that person and are authorised to perform custodial duties.
- (2) Sections 108 and 109 above shall apply in relation to a prisoner custody officer performing contracted out functions at a directly managed prison as they apply in relation to such an officer performing custodial duties at a contracted out prison, but as if the reference in section 109(2) to the director of the contracted out prison were a reference to the governor of the directly managed prison.
- (3) In relation to a directly managed prison, the references to an officer of a prison (or, as the case may be, a prison officer) in the provisions specified in subsection (4) below shall each be construed as including a reference to a prisoner custody officer performing custodial duties at the prison in pursuance of a contract under this section.
- (4) Those provisions are—
  - (a) section 11(4) of the 1989 Act (execution of certain warrants by prison officers etc.);

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*Status: This is the original version (as it was originally enacted).*

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- (b) section 13(b) of that Act (legal custody of prisoners);
  - (c) section 33A of that Act (power of governor to delegate functions);
  - (d) subsection (8) of section 39 of that Act (directions supplementing prison rules) and directions made by virtue of that subsection;
  - (e) section 40(1) of that Act (persons unlawfully at large);
  - (f) section 41(3), (4), (6) and (8) of that Act (prohibited articles); and
  - (g) prison rules.
- (5) Section 41(2A) and (2B) of the 1989 Act (search of person suspected of bringing prohibited article into prison) shall not apply in relation to a prisoner custody officer performing contracted out functions at a directly managed prison.
- (6) Any reference in the foregoing provisions of this section to the performance of functions or custodial duties at a directly managed prison includes a reference to the performance of functions or such duties for the purposes of, or for purposes connected with, such a prison.
- (7) In this Chapter—
- “contracted out functions” means any functions which, by virtue of a contract under this section, fall to be performed by prisoner custody officers; and
  - “directly managed prison” means a prison which is not a contracted out prison.