



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART VIII

PRISON SERVICES AND THE PRISON SERVICE

CHAPTER II

SCOTLAND

Supplemental

114 Prisoner custody officers: general provisions.

- (1) In this Chapter “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 [^{F1}Scottish Ministers] for the purpose of performing escort functions or custodial duties or both; and
 - (b) that he is accordingly authorised to perform them.
- (2) Schedule 6 to this Act shall have effect with respect to the certification of prisoner custody officers.
- (3) Prison rules may make provision regarding the powers and duties of prisoner custody officers performing custodial duties.

Textual Amendments

- F1** Words in s. 114(1)(a) substituted (1.7.1999) by [S.I. 1999/1820, arts. 1\(2\), 4, Sch. 2 Pt. I para. 115\(8\)](#); [S.I. 1998/3178, art. 2](#)

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 04 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

115 Wrongful disclosure of information.

- (1) A person who—
- (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 [^{F2}Scottish Ministers], 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.

Textual Amendments

F2 Words in s. 115(1) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 115(9)**; S.I. 1998/3178, **art. 2**

116 Minor and consequential amendments.

- ^{F3}(1)
- (2) Section 33 of that Act (miscellaneous duties of prison governor) shall cease to have effect.
- (3) After section 33 of that Act there shall be inserted the following section—
- “33A Power of governor to delegate functions.**
- Rules made under section 39 of this Act may permit the governor of a prison to authorise an officer of the prison, or a class of such officers, to exercise on his behalf such of the governor’s functions as the rules may specify.”.
- (4) In section 39 of that Act (prison rules)—
- (a) in subsection (1), after “Act” there shall be inserted “or any other enactment”;
 - (b) in subsection (8), for “the purpose so specified” there shall be substituted “any purpose specified in the rules”; and
 - (c) after subsection (11), there shall be inserted the following subsection—
- “(12) Rules made under this section may (without prejudice to the generality of subsection (1) above) confer functions on a governor.”.

Textual Amendments

F3 S. 116(1) repealed (31.8.2015) by **The Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order 2015 (S.S.I. 2015/39)**, art. 1, **sch. para. 3(4)**

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117 Interpretation of Chapter II.

- (1) In this Chapter, except where otherwise expressly provided—
- “the 1989 Act” means the ^{M1}Prisons (Scotland) Act 1989;
 - “contracted out prison” and “the contractor” have the meanings given by section 106(4) above;
 - “contracted out functions” and “directly managed prison” have the meanings given by section 112(7) above;
 - “custodial duties” means custodial duties at a contracted out or a directly managed prison;
 - “escort functions” has the meaning given by section 102(1) above;
 - “prison” includes—
 - (a) any prison other than a naval, military or air force prison; and
 - (b) a remand centre or young offenders institution within the meaning of section 19 of the 1989 Act;
 - “prison officer” means an officer of a directly managed prison;
 - “prison rules” means rules made under section 39 of the 1989 Act;
 - “prisoner” means any person who is in legal custody or is deemed to be in legal custody under [^{F4}section 295 of the Criminal Procedure (Scotland) Act 1995];
 - “prisoner custody officer” has the meaning given by section 114(1) above;
 - “prisoner escort arrangements” has the meaning given by section 102(4) above; and
 - “sub-contractor” has the meaning given by section 106(4) above.
- (2) Any reference in this Chapter to custodial duties at a contracted out or directly managed prison includes a reference to custodial duties in relation to a prisoner who is outside such a prison for temporary purposes.
- (3) In sections 102(1) to (3), 104 and 105 above, “prison”—
- (a) so far as relating to the transfer of prisoners to or from a prison situated in England and Wales, includes a young offender institution and a remand centre; and
 - (b) so far as relating to the transfer of prisoners to or from a prison situated in Northern Ireland, includes a young offenders centre and a remand centre.

Extent Information

E1 [S. 117](#) extends to Scotland and the British Islands see [s. 172\(12\)](#)

Textual Amendments

F4 Words in definition of “prisoner” in [s. 117\(1\)](#) substituted (1.4.1996) by [1995 c. 40, ss. 5, 7\(2\), Sch. 4 para. 93\(5\)](#) (with [Sch. 3](#))

Marginal Citations

M1 [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. 51(10)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)