



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART VIII

#### PRISON SERVICES AND THE PRISON SERVICE

#### CHAPTER I

#### ENGLAND AND WALES

#### *Miscellaneous*

#### **100 Provision of prisons by contractors.**

- (1) For subsection (2) of section 33 of the <sup>M1</sup>Prison Act 1952 (power to declare buildings etc. to be prisons) there shall be substituted the following subsection—
- “(2) The Secretary of State may provide new prisons by declaring to be a prison—
- (a) any building or part of a building built for the purpose or vested in him or under his control; or
  - (b) any floating structure or part of such a structure constructed for the purpose or vested in him or under his control.”.

(2) Subsections (3) and (4) below apply where the Secretary of State enters into a contract with another person (“the contractor”) for the provision by him of a prison.

(3) Section 33(2) of the <sup>M2</sup>Prison Act 1952 shall have effect as if it also included references to—

    - (a) any building or part of a building built by the contractor for the purpose or vested in him or under his control; and

---

**Changes to legislation:** Criminal Justice and Public Order Act 1994, Section 100 is up to date with all changes known to be in force on or before 16 August 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) any floating structure or part of such a structure constructed by the contractor for the purpose or vested in him or under his control.
- (4) Nothing in section 35(1) of that Act (prison property to be vested in the Secretary of State [<sup>F1</sup>for Justice]) shall require the prison or any real or personal property belonging to the prison to be vested in the Secretary of State [<sup>F1</sup>for Justice] .

---

#### Textual Amendments

- F1** Words in s. 100(4) inserted (22.8.2007) by [The Secretary of State for Justice Order 2007 \(S.I. 2007/2128\)](#), arts. 1(2), 8, [Sch. para. 6](#)
- 

#### Marginal Citations

- M1** 1952 c. 52.  
**M2** 1952 c. 52.

**Changes to legislation:**

Criminal Justice and Public Order Act 1994, Section 100 is up to date with all changes known to be in force on or before 16 August 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\(3\)](#)