



# 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;

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**Changes to legislation:** *Criminal Justice and Public Order Act 1994, Section 101 is up to date with all changes known to be in force on or before 17 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*

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- (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\(7\)\(11\)](#)

**Changes to legislation:**

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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\(3\)](#)