



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART VIII

#### PRISON SERVICES AND THE PRISON SERVICE

#### CHAPTER II

#### SCOTLAND

#### *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—
  - [<sup>F1</sup>(aa) section 3A(6) and (7) of the 1989 Act (searches of persons providing medical services);]

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**Changes to legislation:** Criminal Justice and Public Order Act 1994, Section 112 is up to date with all changes known to be in force on or before 18 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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- (a) section 11(4) of [<sup>F2</sup>that] Act (execution of certain warrants by prison officers etc.);
  - (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.

#### Textual Amendments

**F1** S. 112(4)(aa) inserted (1.1.1998) by 1997 c. 48, s. 43(6)(a); S.I. 1997/2323, art. 4, Sch. 2

**F2** Word in s. 112(4)(a) substituted (1.1.1998) by 1997 c. 48, s. 43(6)(b); S.I. 1997/2323, art. 4, Sch. 2

**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\(3\)](#)