



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART VIII

PRISON SERVICES AND THE PRISON SERVICE

CHAPTER IV

THE PRISON SERVICE

127 Inducements to withhold services or to indiscipline.

(1) A person contravenes this subsection if he induces a prison officer—

- [^{F1}(a) to take (or continue to take) any industrial action;]
- (b) to commit a breach of discipline.

[^{F2}(1A) In subsection (1) “ industrial action ” means—

- (a) the withholding of services as a prison officer; or
- (b) any action that would be likely to put at risk the safety of any person (whether a prisoner, a person working at or visiting a prison, a person working with prisoners or a member of the public).]

(2) The obligation not to contravene subsection (1) above shall be a duty owed to the Secretary of State. [^{F3}or, in Scotland, to the Scottish Ministers][^{F4}or, in Northern Ireland, to the Department of Justice]

(3) Without prejudice to the right of the Secretary of State [or, in Scotland, to the Scottish Ministers][^{F5}or, in Northern Ireland, of the Department of Justice], by virtue of the preceding provisions of this section, to bring civil proceedings in respect of any apprehended contravention of subsection (1) above, any breach of the duty mentioned in subsection (2) above which causes the Secretary of State [^{F3}or, in Scotland, to the

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Scottish Ministers][^{F6}or, in Northern Ireland, the Department of Justice] to sustain loss or damage shall be actionable, at his suit or instance, against the person in breach.

- (4) In this section “prison officer” means any individual who—
- (a) holds any post, otherwise than as a chaplain or assistant chaplain or as a medical officer, to which he has been appointed ^{F7}. . . under section 2(2) of the ^{M1}Prison Act (Northern Ireland) 1953 (appointment of prison staff),
 - [^{F8}(aa) holds any post, otherwise than as a chaplain or assistant chaplain, to which he has been appointed for the purposes of section 7 of the Prison Act 1952 (appointment of prison staff),]
 - (b) ^{F9}
 - (c) is a custody officer within the meaning of Part I of this Act or a prisoner custody officer, within the meaning of Part IV of the ^{M2}Criminal Justice Act 1991 or Chapter II or III of this Part.
- (5) The reference in subsection (1) above to a breach of discipline by a prison officer is a reference to a failure by a prison officer to perform any duty imposed on him by the prison rules or any code of discipline having effect under those rules or any other contravention by a prison officer of those rules or any such code.
- (6) In subsection (5) above “the prison rules” means any rules for the time being in force under section 47 of the Prison Act 1952, section 39 of the Prisons (Scotland) Act 1989 or section 13 of the Prison Act (Northern Ireland) 1953 (prison rules).
- (7) This section shall be disregarded in determining for the purposes of any of the relevant employment legislation whether any trade union is an independent trade union.
- (8) Nothing in the relevant employment legislation shall affect the rights of the Secretary of State [^{F10}or in Scotland, the Scottish Ministers][^{F11}or, in Northern Ireland, the Department of Justice] by virtue of this section.
- (9) In this section “the relevant employment legislation” has the same meaning as in section 126 above.

Textual Amendments

- F1** S. 127(1)(a) substituted (8.5.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 138\(2\), 153\(1\)\(d\)](#)
- F2** S. 127(1A) inserted (8.5.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 138\(3\), 153\(1\)\(d\)](#)
- F3** Words in s. 127(2)(3) inserted (1.7.1999) by [S.I. 1999/1820](#) arts. 1(2), 4, Sch. 2 Pt. I para. 115(10)(a); [S.I. 1998/3178, art. 2](#)
- F4** Words in s. 127(2) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 7 para. 3\(a\)](#) (with arts. 28-31)
- F5** Words in s. 127(3) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 7 para. 3\(b\)](#) (with arts. 28-31)
- F6** Words in s. 127(3) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 7 para. 3\(c\)](#) (with arts. 28-31)
- F7** Words in s. 127(4)(a) omitted (22.3.2005) by virtue of [The Regulatory Reform \(Prison Officers\) \(Industrial Action\) Order 2005 \(S.I. 2005/908\)](#), arts. 1, [2\(a\)](#)
- F8** S. 127(4)(aa) inserted (8.5.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 138\(4\), 153\(1\)\(d\)](#)
- F9** S. 127(4)(b) omitted (22.3.2005) by virtue of [The Regulatory Reform \(Prison Officers\) \(Industrial Action\) Order 2005 \(S.I. 2005/908\)](#), arts. 1, [2\(b\)](#)

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F10 Words in s. 127(8) substituted (1.7.1999) by [S.I. 1999/1820](#), arts. 1(2), 4, **Sch. 2 Pt. I para. 115(10) (c)**; [S.I. 1998/3178](#), **art. 2**

F11 Words in s. 127(8) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 7 para. 3(d)** (with arts. 28-31)

Marginal Citations

M1 1953 c. 18 (N.I.).

M2 1991 c. 53.

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Changes and effects yet to be applied to :

- s. 127(4)(b) inserted by [2008 c. 4 s. 138\(5\)](#)
- s. 127(6) words inserted by [2012 c. 10 s. 129\(6\)](#)

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\(3\)](#)