



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART VIII

#### PRISON SERVICES AND THE PRISON SERVICE

#### CHAPTER IV

##### THE PRISON SERVICE

#### **128 Pay and related conditions.**

- (1) The Secretary of State may by regulations provide for the establishment, maintenance and operation of procedures for the determination from time to time of—
  - (a) the rates of pay and allowances to be applied to the prison service; and
  - (b) such other terms and conditions of employment in that service as may appear to him to fall to be determined in association with the determination of rates of pay and allowances.
- (2) Before making any regulations under this section the Secretary of State shall consult with such organisations appearing to him to be representative of persons working in the prison service and with such other persons as he thinks fit.
- (3) The power to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Regulations under this section may—
  - (a) provide for determinations with respect to matters to which the regulations relate to be made wholly or partly by reference to such factors, and the opinion or recommendations of such persons, as may be specified or described in the regulations;

---

**Changes to legislation:** Criminal Justice and Public Order Act 1994, Section 128 is up to date with all changes known to be in force on or before 01 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) authorise the matters considered and determined in pursuance of the regulations to include matters applicable to times and periods before they are considered or determined;
- (c) make such incidental, supplemental, consequential and transitional provision as the Secretary of State thinks fit; and
- (d) make different provision for different cases.

[<sup>F1</sup>(5) For the purposes of this section, the prison service comprises all the individuals who:

[<sup>F2</sup>(a) hold any post, other than as chaplain or assistant chaplain, to which they have been appointed for the purposes of section 7 of the Prison Act 1952;

<sup>F3</sup>(aa)] . . . . .

(b) hold any post, otherwise than as a medical officer, to which those individuals have been appointed for the purposes of section 3(1A) of the Prisons (Scotland) Act 1989.]

---

#### Textual Amendments

- F1** S. 128(5) substituted (22.3.2005) by [The Regulatory Reform \(Prison Officers\) \(Industrial Action\) Order 2005 \(S.I. 2005/908\)](#), arts. 1, **3**
- F2** S. 128(5)(a)(aa) substituted (1.11.2007) for s. 128(5)(a) by [Offender Management Act 2007 \(c. 21\)](#), **ss. 25(2)**, 41(1); [S.I. 2007/3001](#), **art. 2(1)(f)**
- F3** S. 128(5)(aa) omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 7 para. 5** (with arts. 28-31)
- 

#### Modifications etc. (not altering text)

- C1** S. 128: transfer of certain functions (1.7.1999) by [S.I. 1999/1750](#) arts. 1, 2 Sch. 1 (with art. 7); [S.I. 1998/3178](#), **art. 2**
- C2** S. 128 amended (1.7.1999) by [S.I. 1999/1756](#) arts. 1, 2, Sch. para. 16 (with art. 8); 1998/3178, art. 2

**Changes to legislation:**

Criminal Justice and Public Order Act 1994, Section 128 is up to date with all changes known to be in force on or before 01 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\(3\)](#)