



# Criminal Justice Act 1991

## 1991 CHAPTER 53

### PART IV **E+W**

#### PROVISION OF SERVICES

##### *Prisoner escorts*

#### **80 Arrangements for the provision of prisoner escorts. **E+W****

(1) The Secretary of State may make arrangements for any of the following functions, namely—

- [<sup>F1</sup>(a) the delivery of prisoners from one set of relevant premises to another;]
- (b) the custody of prisoners held on [<sup>F2</sup>the premises of any court] (whether or not they would otherwise be in the custody of the court) and their production before the court;
- [<sup>F3</sup>(ba) the custody of prisoners at a police station for any purpose connected with their participation in a preliminary, sentencing or enforcement hearing through a live audio link or live video link;]
- [<sup>F4</sup>(c) the custody of prisoners temporarily held in a prison in the course of delivery from one prison to another; and]
- (e) the custody of prisoners while they are outside a prison for temporary purposes,

to be performed in such cases as may be determined by or under the arrangements by prisoner custody officers who are authorised to perform such functions.

[<sup>F5</sup>(1A) In paragraph (a) of subsection (1) above “relevant premises” means a court, prison, police station or hospital; and either (but not both) of the sets of premises mentioned in that paragraph may be situated in a part of the British Islands outside England and Wales.]

[<sup>F6</sup>(1B) Subsection (1)(ba) applies in relation to prisoners whether the hearing is yet to take place, is taking place or has taken place.]

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- (2) Arrangements made by the Secretary of State under this section (“prisoner escort arrangements”) may include entering into contracts with other persons for the provision by them of prisoner custody officers.
- (3) Any person who, under [<sup>F7</sup>a warrant or a hospital order or remand], is responsible for the performance of any such function as is mentioned in subsection (1) above shall be deemed to have complied with [<sup>F7</sup>the warrant, order or remand] if he does all that he reasonably can to secure that the function is performed by a prisoner custody officer acting in pursuance of prisoner escort arrangements.

[<sup>F8</sup>(4) In this section—

[<sup>F9</sup>“enforcement hearing”, “live audio link”, “live video link”, “preliminary hearing” and “sentencing hearing” each has the meaning given in section 56(1) of the Criminal Justice Act 2003;]

“hospital” has the same meaning as in the <sup>M1</sup>Mental Health Act 1983;

“hospital order” means an order for a person’s admission to hospital made under section 37, 38 or 44 of that Act, section 5 of the <sup>M2</sup>Criminal Procedure (Insanity) Act 1964 or section 6, 14 or 14A of the <sup>M3</sup>Criminal Appeal Act 1968;

“hospital remand” means a remand of a person to hospital under section 35 or 36 of the Mental Health Act 1983;

“warrant” means a warrant of commitment, a warrant of arrest or a warrant under section 46, 47, 48, 50 or 74 of that Act.]

#### Textual Amendments

- F1** S. 80(1)(a) substituted (3.11.1994) by 1994 c. 33, s. 93(1)(a).
- F2** Words in s. 80(1)(b) substituted (3.11.1994) by 1994 c. 33, s. 93(1)(b).
- F3** S. 80(1)(ba) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), ss. 58(3), 208(5)(g)
- F4** S. 80(1)(c) substituted (3.11.1994) for s. 80(1)(c)(d) by 1994 c. 33, s. 93(1)(c).
- F5** S. 80(1A) inserted (3.11.1994) by 1994 c. 33, s. 93(2).
- F6** S. 80(1B) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), ss. 58(4), 208(5)(g)
- F7** Words in s. 80(3) substituted (3.11.1994) by 1994 c. 33, s. 93(3).
- F8** S. 80(4) inserted (3.11.1994) by 1994 c. 33, s. 93(4).
- F9** Words in s. 80(4) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), ss. 58(5), 208(5)(g)

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

- C1** S. 80: transfer of functions (20.4.2000) by S.I. 2000/1160, art. 4(1)(2)(g)

#### Commencement Information

- I1** S. 80 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

#### Marginal Citations

- M1** 1983 c. 20.  
**M2** 1964 c. 84.  
**M3** 1968 c. 19.

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## 81 Monitoring etc. of prisoner escort arrangements. **E+W**

- (1) Prisoner escort arrangements shall include the appointment of—
  - (a) a prisoner escort monitor, that is to say, a Crown servant whose duty it shall be to keep the arrangements under review and to report on them to the Secretary of State; and
  - (b) a panel of lay observers whose duty it shall be to inspect the conditions in which prisoners are transported or held in pursuance of the arrangements and to make recommendations to the Secretary of State.
- (2) It shall also be the duty of a prisoner escort monitor to investigate and report to the Secretary of State on—
  - (a) any allegations made against prisoner custody officers acting in pursuance of prisoner escort arrangements; and
  - (b) any alleged breaches of discipline on the part of prisoners for whose delivery or custody such officers so acting are responsible.
- (3) Any expenses incurred by members of lay panels may be defrayed by the Secretary of State to such extent as he may with the approval of the Treasury determine.

### Modifications etc. (not altering text)

**C2** S. 81(1)(a)(2): transfer of functions (20.4.2000) by S.I. 2000/1160, art. 4(1)(2)(b)

### Commencement Information

**I2** S. 81 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

## 82 Powers and duties of prisoner custody officers acting in pursuance of such arrangements. **E+W**

- (1) A prisoner custody officer acting in pursuance of prisoner escort arrangements shall have the following powers, namely—
  - (a) to search in accordance with rules made by the Secretary of State any prisoner for whose delivery or custody he is responsible in pursuance of the arrangements; and
  - (b) to search any other person who is in or is seeking to enter any place where any such prisoner is or is to be held, and any article in the possession of such a person.
- (2) The powers conferred by subsection (1)(b) above to search a person shall not be construed as authorising a prisoner custody officer to require a person to remove any of his clothing other than an outer coat, jacket or gloves.
- (3) A prisoner custody officer shall have the following duties as respects prisoners for whose delivery or custody he is responsible in pursuance of prisoner escort arrangements, namely—
  - (a) to prevent their escape from lawful custody;
  - (b) to prevent, or detect and report on, the commission or attempted commission by them of other unlawful acts;
  - (c) to ensure good order and discipline on their part;
  - (d) to attend to their wellbeing; and
  - (e) to give effect to any directions as to their treatment which are given by a court,

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and the Secretary of State may make rules with respect to the performance by prisoner custody officers of their duty under paragraph (d) above.

<sup>F10</sup>(4) Where a prisoner custody officer acting in pursuance of prisoner escort arrangements is on any premises in which the Crown Court or a magistrates' court is sitting, it shall be his duty to give effect to any order of that court made—

- (a) in the case of the Crown Court, under <sup>F11</sup>section 142 of the Powers of Criminal Courts (Sentencing) Act 2000] (power of Court to order search of persons before it); or
- (b) in the case of a magistrates' court, under section 80 of the 1980 Act (application of money found on defaulter).

<sup>F12</sup>(4A) [ Subsections (4B) and (4C) apply if a prisoner custody officer acting in pursuance of prisoner escort arrangements is at a police station for the purposes of exercising functions under section 80(1)(ba) (custody of prisoners in relation to live link proceedings) in relation to a prisoner.

(4B) It is the prisoner custody officer's duty to give effect to—

- (a) any order of the Crown Court under section 142 of the Powers of Criminal Courts (Sentencing) Act 2000 in relation to the prisoner, or
- (b) any order of a magistrates' court under section 80 of the 1980 Act in relation to the prisoner.

(4C) The fact that the prisoner custody officer is exercising, or may exercise, functions under section 80(1)(ba) in relation to the prisoner does not prevent a constable from exercising any powers in relation to the prisoner that are otherwise available to the constable.]

(5) The powers conferred by subsection (1) above, and the powers arising by virtue of subsections (3) <sup>F13</sup>, (4) and (4B)] above, shall include power to use reasonable force where necessary.

(6) The power to make rules under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F10** S. 82(4) substituted (3.11.1994) by 1994 c. 33, s. 94(1)

**F11** Words in s. 82(4) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 9 para. 146

**F12** S. 82(4A)-(4C) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), ss. 58(7), 208(5)(g)

**F13** Words in s. 82(5) substituted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), ss. 58(8), 208(5)(g)

#### Commencement Information

**I3** S. 82 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

### [83] <sup>F14</sup>Breaches of discipline by prisoners under escort. **E+W**

(1) This section applies where a prisoner for whose delivery or custody a prisoner custody officer has been responsible in pursuance of prisoner escort arrangements is delivered to a prison.

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- (2) For the purposes of such prison rules as relate to disciplinary offences, the prisoner shall be deemed to have been—
  - (a) in the custody of the governor of the prison; or
  - (b) in the case of a contracted out prison, in the custody of its director,at all times during the period for which the prisoner custody officer was so responsible.
- (3) In the case of any breach by the prisoner at any time during that period of such prison rules as so relate, a disciplinary charge may be laid against him by the prisoner custody officer.
- (4) Nothing in this section shall enable a prisoner to be punished under prison rules for any act or omission of his for which he has already been punished by a court.
- (5) In this section “prison rules”, in relation to a prison situated in a part of the British Islands outside England and Wales, means rules made under any provision of the law of that part which corresponds to section 47 of the 1952 Act.]

**Textual Amendments**

**F14** S. 83 substituted (3.11.1994) by 1994 c. 33, s.95.

**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. 24(2)(ba) inserted by [2013 c. 22 s. 26\(7\)](#)
- s. 46(3)(aa) substituted for word by [2008 c. 4 s. 33\(7\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))
- s. 46ZA inserted by [2008 c. 4 s. 33\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))