



Criminal Justice Act 1991

1991 CHAPTER 53

PART IV

PROVISION OF SERVICES

Prisoner escorts

80 Arrangements for the provision of prisoner escorts

- (1) The Secretary of State may make arrangements for any of the following functions, namely—
- (a) the delivery of prisoners to court premises;
 - (b) the custody of prisoners held on such premises (whether or not they would otherwise be in the custody of the court) and their production before the court;
 - (c) the delivery of prisoners so held to a prison or police station;
 - (d) the delivery of prisoners 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.
- (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 a warrant of commitment, is responsible for the performance of any such function as is mentioned in subsection (1) above shall be deemed to have complied with that warrant 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.

81 Monitoring etc. of prisoner escort arrangements

- (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.

82 Powers and duties of prisoner custody officers acting in pursuance of such arrangements

- (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, and the Secretary of State may make rules with respect to the performance by prisoner custody officers of their duty under paragraph (d) above.
- (4) It shall also be the duty of a prisoner custody officer who is on any premises in which the Crown Court is sitting to give effect to any order of that Court made under section 34A of the 1973 Act (power of Court to order search of persons before it).

- (5) The powers conferred by subsection (1) above, and the powers arising by virtue of subsections (3) and (4) 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.

83 Breaches of discipline by prisoners

- (1) 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, he shall be deemed, for the purposes of such prison rules as relate to disciplinary offences, 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 while that officer was so responsible.
- (2) Nothing in subsection (1) above 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.