



# Criminal Justice Act 1991

## 1991 CHAPTER 53

### PART IV

#### PROVISION OF SERVICES

##### *Contracted out prisons*

#### **85 Officers of contracted out prisons.**

- (1) Instead of a governor, every contracted out prison shall have—
  - (a) a director, who shall be a prisoner custody officer appointed by the contractor and specially approved for the purposes of this section by the Secretary of State; and
  - (b) a controller, who shall be a Crown servant appointed by the Secretary of State; and every officer of such a prison who performs custodial duties shall be a prisoner custody officer who is authorised to perform such duties [<sup>F1</sup>or a prison officer who is temporarily attached to the prison].
- (2) Subject to subsection (3) below, the director shall have such functions as are conferred on him by the 1952 Act (as modified by section 87 below) or as may be conferred on him by prison rules.
- (3) The director shall not—
  - (a) inquire into a disciplinary charge laid against a prisoner, conduct the hearing of such a charge or make, remit or mitigate an award in respect of such a charge; or
  - (b) except in cases of urgency, order the removal of a prisoner from association with other prisoners, the temporary confinement of a prisoner in a special cell or the application to a prisoner of any other special control or restraint.
- (4) The controller shall have such functions as may be conferred on him by prison rules and shall be under a duty—

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*Status: Point in time view as at 03/11/1994. This version of this provision has been superseded.*

*Changes to legislation: Criminal Justice Act 1991, Section 85 is up to date with all changes known to be in force on or before 10 June 2024. 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)*

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- (a) to keep under review, and report to the Secretary of State on, the running of the prison by or on behalf of the director; and
  - (b) to investigate, and report to the Secretary of State on, any allegations made against prisoner custody officers performing custodial duties at the prison [<sup>F2</sup>or prison officers who are temporarily attached to the prison].
- (5) [<sup>F3</sup>The contractor and any sub-contractor of his shall each]be under a duty to do all that he reasonably can (whether by giving directions to the officers of the prison or otherwise) to facilitate the exercise by the controller of all such functions as are mentioned in or conferred by subsection (4) above.

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#### Textual Amendments

- F1** Words in s. 85(1) inserted (3.11.1994) by 1994 c. 33, s. 97(1).
- F2** Words in s. 85(4)(b) inserted (3.11.1994) by 1994 c. 33, s. 97(2).
- F3** Words in s. 85(5) substituted (3.11.1994) by 1994 c. 33, s. 101(1).

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#### Commencement Information

- I1** S. 85 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

**Status:**

Point in time view as at 03/11/1994. This version of this provision has been superseded.

**Changes to legislation:**

Criminal Justice Act 1991, Section 85 is up to date with all changes known to be in force on or before 10 June 2024. 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.