



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART VIII

#### PRISON SERVICES AND THE PRISON SERVICE

### CHAPTER I

#### ENGLAND AND WALES

#### *Contracted out prisons etc.*

## 96 **Contracted out parts of prisons, etc.**

For section 84 of the 1991 Act there shall be substituted the following section—

### **“84 Contracting out prisons etc.**

- (1) The Secretary of State may enter into a contract with another person for the provision or running (or the provision and running) by him, or (if the contract so provides) for the running by sub-contractors of his, of any prison or part of a prison.
- (2) While a contract under this section for the running of a prison or part of a prison is in force—
  - (a) the prison or part shall be run subject to and in accordance with sections 85 and 86 below, the 1952 Act (as modified by section 87 below) and prison rules; and
  - (b) in the case of a part, that part and the remaining part shall each be treated for the purposes of sections 85 to 88A below as if they were separate prisons.

*Status: Point in time view as at 01/05/2004.*

*Changes to legislation: Criminal Justice and Public Order Act 1994, Cross Heading: Contracted out prisons etc. is up to date with all changes known to be in force on or before 02 August 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)*

- (3) Where the Secretary of State grants a lease or tenancy of land for the purposes of any contract under this section, none of the following enactments shall apply to it, namely—
- (a) Part II of the <sup>M1</sup>Landlord and Tenant Act 1954 (security of tenure);
  - (b) section 146 of the <sup>M2</sup>Law of Property Act 1925 (restrictions on and relief against forfeiture);
  - (c) section 19(1), (2) and (3) of the <sup>M3</sup>Landlord and Tenant Act 1927 and the <sup>M4</sup>Landlord and Tenant Act 1988 (covenants not to assign etc.); and
  - (d) the <sup>M5</sup>Agricultural Holdings Act 1986.

In this subsection “lease or tenancy” includes an underlease or sub-tenancy.

- (4) In this Part—

“contracted out prison” means a prison or part of a prison for the running of which a contract under this section is for the time being in force;

“the contractor”, in relation to a contracted out prison, means the person who has contracted with the Secretary of State for the running of it; and

“sub-contractor”, in relation to a contracted out prison, means a person who has contracted with the contractor for the running of it or any part of it.”.

#### **Marginal Citations**

**M1** 1954 c. 56.

**M2** 1925 c. 20.

**M3** 1927 c. 36.

**M4** 1988 c. 26.

**M5** 1986 c. 5.

## **97 Temporary attachment of prison officers.**

- (1) At the end of subsection (1) of section 85 of the 1991 Act (officers of contracted out prisons) there shall be inserted the words “ or a prison officer who is temporarily attached to the prison ”.
- (2) At the end of paragraph (b) of subsection (4) of that section there shall be inserted the words “ or prison officers who are temporarily attached to the prison ”.
- (3) For subsection (3) of section 87 of that Act (consequential modifications of 1952 Act) there shall be substituted the following subsection—
  - “(3) Section 8 (powers of prison officers) shall not apply in relation to a prisoner custody officer performing custodial duties at the prison.”.
- (4) After subsection (4) of that section there shall be inserted the following subsection—
  - “(4A) Section 11 (ejection of prison officers and their families refusing to quit) shall not apply.”.
- (5) At the end of subsections (6) and (7) of that section there shall be inserted the words “ or a prison officer who is temporarily attached to the prison ”.

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## **98 Prisoners temporarily out of prison.**

After subsection (1) of section 92 of the 1991 Act (interpretation of Part IV) there shall be inserted the following subsection—

“(1A) Any reference in this Part to custodial duties at a contracted out prison includes a reference to custodial duties in relation to a prisoner who is outside such a prison for temporary purposes.”.

**Status:**

Point in time view as at 01/05/2004.

**Changes to legislation:**

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