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Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART VIII

PRISON SERVICES AND THE PRISON SERVICE

CHAPTER II

SCOTLAND

VALID FROM 03/02/1995

Prisoner escorts

102 Arrangements for the provision of prisoner escorts.

- (1) The Secretary of State may make arrangements for any of the functions specified in subsection (2) below (“escort functions”) 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) Those functions are—
 - (a) the transfer of prisoners from one set of relevant premises to another;
 - (b) the custody of prisoners held on court premises (whether or not they would otherwise be in the custody of the court) and their production before the court;
 - (c) the custody of prisoners temporarily held in a prison in the course of transfer from one prison to another; and
 - (d) the custody of prisoners while they are outside a prison for temporary purposes.

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- (3) In paragraph (a) of subsection (2) above, “relevant premises” means—
- (a) the premises of any court, prison, police station or hospital; or
 - (b) the premises of any other place from or to which a prisoner may be required to be taken under the ^{M1}Criminal Procedure (Scotland) Act 1975 or the ^{M2}Mental Health (Scotland) Act 1984;
- 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 Scotland.
- (4) 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.
- (5) Any person who, under a warrant or hospital order, is responsible for the performance of any such function as is mentioned in subsection (2) above shall be deemed to have complied with that warrant or order 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.
- (6) In this section—
- “hospital” has the same meaning as in theMental Health (Scotland) Act 1984;
- “hospital order” means an order for a person’s detention in, or admission to and detention in, a hospital under section 174, 174A, 175, 375A or 376 of the Act of 1975 or section 70 of the Act of 1984; and
- “warrant” means a warrant for committal, a warrant for arrest, a warrant under section 69, 73, 74 or 75 of the Act of 1984, a transfer direction under section 71 of that Act or any other warrant, order or direction under the Act of 1975 or the Act of 1984 requiring a person to be taken to a particular place.

Extent Information

E1 [S. 102](#) extends to Scotland only; [s. 102\(1\) to \(3\)](#) extends also to the British Islands see [s. 172\(12\)](#)

Marginal Citations

M1 [1975 c. 21.](#)

M2 [1984 c. 36.](#)

103 Monitoring of prisoner escort arrangements.

- (1) Prisoner escort arrangements shall include the appointment of a prisoner escort monitor, that is to say, a Crown servant whose duty it shall be—
- (a) to keep the arrangements under review and to report on them to the Secretary of State;
 - (b) to investigate and report to the Secretary of State on any allegations made against prisoner custody officers acting in pursuance of the arrangements; and
 - (c) to report to the Secretary of State on any alleged breaches of discipline on the part of prisoners for whose transfer or custody such officers so acting are responsible.

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(2) In section 7(2) (functions of Her Majesty’s Chief Inspector of Prisons for Scotland) of the 1989 Act—

- (a) after “Inspector” there shall be inserted “ —(a) ”; and
- (b) at the end there shall be inserted—

“; and

- (b) to inspect the conditions in which prisoners are transported or held in pursuance of prisoner escort arrangements (within the meaning of section 102 of the ^{M3}Criminal Justice and Public Order Act 1994) and to report to the Secretary of State on them.”.

Marginal Citations

M3 1994 c. 33.

104 Powers and duties of prisoner custody officers performing escort functions.

- (1) A prisoner custody officer acting in pursuance of prisoner escort arrangements shall have power to search—
 - (a) any prisoner for whose transfer or custody he is responsible in accordance with the arrangements; and
 - (b) 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 power 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, headgear and gloves.
- (3) A prisoner custody officer shall, as respects prisoners for whose transfer or custody he is responsible in pursuance of prisoner escort arrangements, have the duty—
 - (a) to prevent their escape from legal 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.
- (4) Where a prisoner custody officer acting in pursuance of prisoner escort arrangements is on any premises in which a court of summary jurisdiction is sitting he shall have the duty to give effect to any order of the court under section 395(2) of the ^{M4}Criminal Procedure (Scotland) Act 1975 requiring an offender to be searched.
- (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) Prison rules may make provision in relation to—
 - (a) the power conferred by subsection (1) above; and
 - (b) the duty imposed by subsection (3)(d) above.

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Extent Information

E2 S. 104 extends to Scotland and the British Islands see s. 172(12)

Marginal Citations

M4 1975 c. 21.

105 Breaches of discipline by prisoners under escort.

- (1) Where a prisoner for whose transfer 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 breaches of discipline, 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 that officer was so responsible, and that officer may bring a charge of breach of such rules as so relate against the prisoner in respect of any such time.
- (2) Nothing in subsection (1) above shall render a prisoner liable to be punished under prison rules for any act or omission of his for which he has already been punished by a court.
- (3) In this section “prison rules”, in relation to a prison situated in a part of the British Islands outside Scotland, means rules made under any provision of the law of that part which corresponds to section 39 of the 1989 Act.

Extent Information

E3 S. 105 extends to Scotland and the British Islands see s. 172(12)

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