



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART VIII

#### PRISON SERVICES AND THE PRISON SERVICE

### CHAPTER II

#### SCOTLAND

#### *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;
  - [<sup>F1</sup>(ba) the custody of prisoners held in a police station and their production, by electronic means from the station, before a 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.
- (3) In paragraph (a) of subsection (2) above, “relevant premises” means—

*Status: Point in time view as at 01/10/2022.*

*Changes to legislation: Criminal Justice and Public Order Act 1994, Section 102 is up to date with all changes known to be in force on or before 27 July 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)*

- (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 [<sup>F2</sup>Criminal Procedure (Scotland) Act 1995] or the [<sup>F3</sup>Mental Health (Care and Treatment) (Scotland) Act 2003];

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 [<sup>F4</sup>or by a police custody and security officer in the performance of functions [<sup>F5</sup>under section 28 of the Police and Fire Reform (Scotland) Act 2012 (asp 8)]].
- (6) In this section—

“hospital” has the same meaning as in the [<sup>F6</sup>Mental Health (Care and Treatment) (Scotland) Act 2003];

“hospital order” means an order for a person’s detention in, or admission to and detention in, a hospital under [<sup>F7</sup>section [<sup>F8</sup>52D, 52M,] 53, 54 or [<sup>F9</sup>57A] of the Act of 1995]<sup>F10</sup> ...; and

“warrant” means a warrant for committal, a warrant for arrest, a [<sup>F11</sup>transfer for treatment direction under section 136 of the Mental Health (Care and Treatment) (Scotland) Act 2003] or any other warrant, order or direction under the [<sup>F12</sup>Act of 1995] or [<sup>F13</sup>the Mental Health (Care and Treatment) (Scotland) Act 2003] 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)

#### Textual Amendments

- F1** S. 102(2)(ba) inserted (1.10.2022) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\)](#), **ss. 40(2)(a)**, 59(1)
- F2** Words in s. 102(3)(b) substituted (1.4.1996) by [1995 c. 40, ss. 5, 7\(2\)](#), **Sch. 4 para. 93(3)(a)** (with Sch. 3)
- F3** Words in s. 102(3)(b) substituted (27.9.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Enactments\) Order 2005 \(S.S.I. 2005/465\)](#), arts. 1, 2, **Sch. 1 para. 24(2)(a)**
- F4** Words in s. 102(5) added (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 76(10)**, 89; [S.S.I. 2003/288](#), **art. 2**, Sch.
- F5** Words in s. 102(5) substituted (S.) (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **sch. 7 para. 9(2)**; [S.S.I. 2013/51](#), **art. 2** (with transitional provisions and savings in [S.S.I. 2013/121](#)); and (E.W.N.I.) (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), **Sch. 1 para. 4(2)**
- F6** Words in s. 102(6) substituted (27.9.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Enactments\) Order 2005 \(S.S.I. 2005/465\)](#), arts. 1, 2, **Sch. 1 para. 24(2)(b)**
- F7** Words in definition of "hospital order" in s. 102(6) substituted (1.4.1996) by [1995 c. 40, ss. 5, 7\(2\)](#), **Sch. 4 para. 93(3)(b)(i)** (with Sch. 3)

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- F8** Words in definition of "hospital order" in s. 102(6) inserted (27.9.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Modification of Enactments) Order 2005 (S.S.I. 2005/465), arts. 1, 2, **Sch. 1 para. 24(2)(b)(ii)(aa)**
- F9** Word in definition of "hospital order" in s. 102(6) substituted (27.9.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Modification of Enactments) Order 2005 (S.S.I. 2005/465), arts. 1, 2, **Sch. 1 para. 24(2)(b)(ii)(bb)**
- F10** Words in definition of "hospital order" in s. 102(6) omitted (27.9.2005) by virtue of The Mental Health (Care and Treatment) (Scotland) Act 2003 (Modification of Enactments) Order 2005 (S.S.I. 2005/465), arts. 1, 2, **Sch. 1 para. 24(2)(b)(ii)(cc)**
- F11** Words in definition of "warrant" in s. 102(6) substituted (27.9.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Modification of Enactments) Order 2005 (S.S.I. 2005/465), arts. 1, 2, **Sch. 1 para. 24(2)(b)(iii)(aa)**
- F12** Words in definition of "warrant" in s. 102(6) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 93(3)(b)(ii)** (with Sch. 3)
- F13** Words in definition of "warrant" in s. 102(6) substituted (27.9.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Modification of Enactments) Order 2005 (S.S.I. 2005/465), arts. 1, 2, **Sch. 1 para. 24(2)(b)(iii)(bb)**

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