



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART VIII

PRISON SERVICES AND THE PRISON SERVICE

CHAPTER II

SCOTLAND

Contracted out prisons

110 Consequential modifications of 1989 Act, prison rules and directions.

- (1) In relation to a contracted out prison, the provisions specified in subsections (2) to (7) below shall have effect subject to the modifications so specified.
- (2) In section 3 of the 1989 Act (general superintendence of prisons)—
 - [^{F1}(a) subsection (1A) shall not apply;]
 - (b) subsection (3) shall not apply.
- (3) In sections [^{F2}3A(6) (power to authorise searches of persons providing medical services),]9(5), 11(4), 15(1) and (3) (various functions of the governor of a prison), 33A (power of governor to delegate functions), 34 (duty of governor where prisoner dies), 39(8) and (12) (prison rules), 41(4) (detention of person suspected of bringing prohibited article into prison) [^{F3}, 41B(3) (testing prisoners for drugs) and 41C(3) (testing prisoners for alcohol)] of that Act, in prison rules and in directions made by virtue of section 39(8) of that Act the reference to the governor shall be construed as a reference to the director.
- (4) In sections [^{F4}3A(6) (power to carry out searches of persons providing medical services),]11(4) (execution of certain warrants by prison officers etc.), 13(b) (legal

Status: Point in time view as at 01/01/2010. This version of this provision has been superseded.

Changes to legislation: Criminal Justice and Public Order Act 1994, Section 110 is up to date with all changes known to be in force on or before 19 May 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)

custody of prisoners), 33A (power of governor to delegate functions), 40(1) (persons unlawfully at large), 41(3), (4), (6) and (8) (detention of person suspected of bringing prohibited article into prison) [^{F5}, 41B(1) (testing prisoners for drugs) and 41C(1) (testing prisoners for alcohol)] of that Act, the reference to an officer of a prison (or, as the case may be, a prison officer) shall be construed as a reference to a prisoner custody officer performing custodial duties at the prison or a prison officer temporarily attached to the prison.

[^{F6}(4A) A registered medical practitioner appointed to a contracted out prison or providing, or supervising the provision of, appropriate medical services in accordance with an arrangement made under section 107(6)(b) of this Act shall be deemed to be a medical officer for the prison for the purposes of—

- (a) section 111(3)(c) of this Act;
- (b) section 27(5) of the 1989 Act (so far as that section continues to have effect by virtue of Schedule 6 to the ^{M1}Prisoners and Criminal Proceedings (Scotland) Act 1993 (existing provisions which continue to have effect in relation to prisoners sentenced before 1st October 1993)); and
- (c) any rules or directions made or issued under section 39 of the 1989 Act, unless such rules or directions otherwise provide or the context otherwise requires.]

(5) Section 36 of that Act (vesting of prison property in Secretary of State) shall have effect subject to the provisions of the contract entered into under section 106 above.

(6) Sections [^{F7}3A(1) to (5)(medical services),]37 (discontinuance of prison), 41(2A) and (2B) (power to search for prohibited articles) and 41A (powers of search by authorised employees) of that Act shall not apply.

(7) In prison rules, in subsection (8) of section 39 of that Act (directions supplementing prison rules) and in any direction made by virtue of that subsection, the reference to an officer of a prison (or, as the case may be, a prison officer) shall be construed as including a reference to a prisoner custody officer performing custodial duties at the prison.

Textual Amendments

- F1** S. 110(2)(a) substituted (1.7.1999) by [S.I. 1999/1820](#) arts. 1(2), 4, Sch. 2, Pt. I, para. 115(5); [S.I. 1998/3178](#), [art. 2](#)
- F2** Words in s. 110(3) inserted (1.1.1998) by [1997 c. 48](#), [s. 43\(5\)\(a\)](#); [S.I. 1997/2323](#), [art. 4](#), [Sch. 2](#)
- F3** Words in s. 110(3) substituted (1.1.1998) by [1997 c. 48](#), [s. 62\(1\)](#), [Sch. 1 para. 15\(a\)](#); [S.I. 1997/2323](#), [art. 4](#), [Sch. 2](#)
- F4** Words in s. 110(4) inserted (1.1.1998) by [1997 c. 48](#), [s. 43\(5\)\(b\)](#); [S.I. 1997/2323](#), [art. 4](#), [Sch. 2](#)
- F5** Words in s. 110(4) substituted (1.1.1998) by [1997 c. 48](#), [s. 62\(1\)](#), [Sch. 1 para. 15\(b\)](#); [S.I. 1997/2323](#), [art. 4](#), [Sch. 2](#)
- F6** [S. 110\(4A\)](#) inserted (1.1.1998) by [1997 c. 48](#), [s. 43\(5\)\(c\)](#); [S.I. 1997/2323](#), [art. 4](#), [Sch. 2](#)
- F7** Words in s. 110(6) inserted (1.1.1998) by [1997 c. 48](#), [s. 43\(5\)\(d\)](#); [S.I. 1997/2323](#), [art. 4](#), [Sch. 2](#)

Marginal Citations

- M1** [1993 c.9](#).

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