



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART VIII

PRISON SERVICES AND THE PRISON SERVICE

CHAPTER II

SCOTLAND

Contracted out prisons

107 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 [^{F1}Scottish Ministers] and
 - (b) a controller, who shall be a [^{F2}member of the staff of the Scottish Administration] appointed by the [^{F1}Scottish Ministers],
- and every officer of such a prison who performs custodial duties shall be a prisoner custody officer who is authorised to perform such duties or a prison officer who is temporarily attached to the prison.
- (2) Subject to subsection (3) below, the director shall have the same functions as are conferred on a governor by the 1989 Act and by prison rules.
- (3) The director shall not—
- (a) have any function which is conferred on a controller by virtue of subsection (4) below;

Changes to legislation: Criminal Justice and Public Order Act 1994, Section 107 is up to date with all changes known to be in force on or before 08 April 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) View outstanding changes

- (b) inquire into a disciplinary charge brought against a prisoner, conduct the hearing of such a charge or make, remit or mitigate an award in respect of such a charge; or
 - (c) 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—
- (a) to keep under review, and report to the [^{F3}Scottish Ministers] on, the running of the prison by or on behalf of the director; and
 - (b) to investigate, and report to the [Scottish Ministers] on, any allegations made against prisoner custody officers performing custodial duties at the prison or prison officers who are temporarily attached to the prison.
- (5) 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.
- [^{F4}(6) The director must designate one or more medical officers for the prison.
- (7) A person may be designated as a medical officer for the prison only if the person is a registered medical practitioner performing primary medical services for prisoners at the prison under the National Health Service (Scotland) Act 1978 (c.29).]

Textual Amendments

- F1** Words in s. 107(1) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2**, Pt. I, para. 115(4)(a) (i); S.I. 1998/3178, **art. 2**
- F2** Words in s. 107(1) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 115(4)(a) (ii)**; S.I. 1998/3178, **art. 2**
- F3** Words in s. 107(4) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 115(4)(b)**; S.I. 1998/3178, **art. 2**
- F4** S. 107(6)(7) substituted for s. 107(6)-(8) (1.11.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), **ss. 110(3)**, 206(1); S.S.I. 2011/354, art. 2, sch.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 51(10)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)