



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART VIII

#### PRISON SERVICES AND THE PRISON SERVICE

### CHAPTER II

#### SCOTLAND

#### *Supplemental*

#### **117 Interpretation of Chapter II.**

(1) In this Chapter, except where otherwise expressly provided—

“the 1989 Act” means the <sup>M1</sup>Prisons (Scotland) Act 1989;

“contracted out prison” and “the contractor” have the meanings given by section 106(4) above;

“contracted out functions” and “directly managed prison” have the meanings given by section 112(7) above;

“custodial duties” means custodial duties at a contracted out or a directly managed prison;

“escort functions” has the meaning given by section 102(1) above;

“prison” includes—

(a) any prison other than a naval, military or air force prison; and

(b) a remand centre or young offenders institution within the meaning of section 19 of the 1989 Act;

“prison officer” means an officer of a directly managed prison;

“prison rules” means rules made under section 39 of the 1989 Act;

---

**Changes to legislation:** Criminal Justice and Public Order Act 1994, Section 117 is up to date with all changes known to be in force on or before 18 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

---

“prisoner” means any person who is in legal custody or is deemed to be in legal custody under [<sup>F1</sup>section 295 of the Criminal Procedure (Scotland) Act 1995];

“prisoner custody officer” has the meaning given by section 114(1) above;

“prisoner escort arrangements” has the meaning given by section 102(4) above; and

“sub-contractor” has the meaning given by section 106(4) above.

- (2) Any reference in this Chapter to custodial duties at a contracted out or directly managed prison includes a reference to custodial duties in relation to a prisoner who is outside such a prison for temporary purposes.
- (3) In sections 102(1) to (3), 104 and 105 above, “prison”—
- (a) so far as relating to the transfer of prisoners to or from a prison situated in England and Wales, includes a young offender institution and a remand centre; and
  - (b) so far as relating to the transfer of prisoners to or from a prison situated in Northern Ireland, includes a young offenders centre and a remand centre.

---

#### Extent Information

**E1** S. 117 extends to Scotland and the British Islands see s. 172(12)

---

#### Textual Amendments

**F1** Words in definition of “prisoner” in s. 117(1) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 93(5)** (with **Sch. 3**)

---

#### Marginal Citations

**M1** 1989 c. 45.

**Changes to legislation:**

Criminal Justice and Public Order Act 1994, Section 117 is up to date with all changes known to be in force on or before 18 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.

[View outstanding changes](#)

**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\(3\)](#)