



Offender Management Act 2007

2007 CHAPTER 21

PART 2

PRISONS

Contracted out prisons and secure training centres

16 Power of search in contracted out prisons and secure training centres

- (1) In section 86 of the Criminal Justice Act 1991 (c. 53) (powers and duties of prisoner custody officers in contracted out prisons)—
 - (a) in subsection (1)(b), after “search” there is inserted “in accordance with prison rules”; and
 - (b) in subsection (2), for the words from “remove” to the end there is substituted “submit to an intimate search (within the meaning of section 164(5) of the Customs and Excise Management Act 1979).”
- (2) In section 9 of the Criminal Justice and Public Order Act 1994 (c. 33) (powers and duties of custody officers in contracted out secure training centres)—
 - (a) in subsection (1)(b), after “search” there is inserted “in accordance with secure training centre rules”; and
 - (b) in subsection (2), for the words from “remove” to the end there is substituted “submit to an intimate search (within the meaning of section 164(5) of the Customs and Excise Management Act 1979).”

17 Power of detention in contracted out prisons and secure training centres

- (1) After section 86 of the Criminal Justice Act 1991 there is inserted—

“86A Power of prisoner custody officers to detain suspected offenders

- (1) A prisoner custody officer performing custodial duties at a contracted out prison shall have the following powers in relation to any person who is in or is seeking to enter the prison (other than a prisoner confined in the prison).
 - (2) Where the officer has reason to believe that the person is committing or has committed an offence under any of sections 39 to 40D of the Prison Act 1952, the officer may—
 - (a) require the person to wait with him for the arrival of a constable for such period as may be necessary (not exceeding two hours); and
 - (b) use reasonable force to prevent the person from making off while subject to a requirement under paragraph (a).
 - (3) A person who makes off while subject to such a requirement is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
 - (4) In subsection (2), a reference to an offence under a particular provision includes a reference to any offence consisting of an attempt to commit, incitement or conspiracy to commit, or aiding, abetting, counselling or procuring the commission of, an offence under that provision.”
- (2) In section 88A(2) of that Act (contracted out functions at a directly managed prison)—
- (a) for “Section 86” there is substituted “Sections 86 and 86A”; and
 - (b) for “it applies” there is substituted “they apply”.
- (3) After section 9 of the Criminal Justice and Public Order Act 1994 (c. 33) there is inserted—

“9A Power of custody officers to detain suspected offenders

- (1) A custody officer performing custodial duties at a contracted out secure training centre shall have the following powers in relation to any person who is in or is seeking to enter the centre (other than a person detained in the centre).
- (2) Where the officer has reason to believe that the person is committing or has committed an offence under any of sections 39 to 40D of the Prison Act 1952, the officer may—
 - (a) require the person to wait with him for the arrival of a constable for such period as may be necessary (not exceeding two hours); and
 - (b) use reasonable force to prevent the person from making off while subject to a requirement under paragraph (a).
- (3) A person who makes off while subject to such a requirement is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (4) In subsection (2), a reference to an offence under a particular provision includes a reference to any offence consisting of an attempt to commit, incitement or conspiracy to commit, or aiding, abetting, counselling or procuring the commission of, an offence under that provision.”

- (4) In section 11(2) of that Act (contracted out functions at directly managed secure training centres)—
- (a) for “Section 9” there is substituted “Sections 9 and 9A”; and
 - (b) for “it applies” there is substituted “they apply”.

18 Powers of authorised persons to perform custodial duties and search prisoners

- (1) The Criminal Justice Act 1991 (c. 53) is amended as follows.
- (2) After section 86A (as inserted by section 17 above) there is inserted—

“86B Powers of authorised persons to perform custodial duties

- (1) In this section—
- “restricted activity” means an activity which is (apart from this section) required by section 85(1) to be carried out by an officer of a contracted-out prison who is—
- (a) a prisoner custody officer authorised to perform custodial duties; or
 - (b) a prison officer temporarily attached to the prison; and
- “worker”, in relation to a contracted out prison, means a person who works at the prison, other than an officer mentioned above.
- (2) The Secretary of State may by order specify descriptions of restricted activity that may be the subject of authorisations under subsection (3) given to workers at a contracted-out prison.
- (3) A worker at a contracted-out prison may carry out any activity of a description specified under subsection (2), but only if and to the extent that he is for the time being authorised to do so by the director of the prison.
- (4) The director may give such authorisation—
- (a) in general or specific terms, subject to any limitations or conditions he considers appropriate; and
 - (b) to one or more particular workers or to any worker who is (or comes to be) within a specified description of workers at the prison.
- (5) Nothing in an order or authorisation under this section is to be taken as authorising the use of force.
- (6) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (3) In section 85(1) (officers of contracted out prisons), after “shall”, in the words following paragraph (b), there is inserted “(subject to section 86B)”.

19 Powers of director of a contracted out prison

Section 85(3) of the Criminal Justice Act 1991 (c. 53) (director of a contracted out prison not to exercise certain adjudication powers or order removal etc of prisoner) shall cease to have effect.

Status: This is the original version (as it was originally enacted).

20 Amendment of section 87 of the Criminal Justice Act 1991

- (1) Section 87 of the Criminal Justice Act 1991 (modification of Prison Act 1952 in its application to a contracted out prison) is amended as follows.
- (2) For subsection (3) there is substituted—
 - “(3) Section 8 (powers of prison officers) shall not apply (but this does not affect the powers of a prison officer who is temporarily attached to the prison).”
- (3) In subsection (4), after “sections” there is inserted “8A(3), (4) and (5)”.