

*Status: Point in time view as at 01/02/2001.*

**Changes to legislation:** Criminal Justice Act 1991, Cross Heading: Suspension of certificate is up to date with all changes known to be in force on or before 15 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)

## SCHEDULES

### SCHEDULE 10

#### CERTIFICATION OF PRISONER CUSTODY OFFICERS

##### Commencement Information

**II** Sch. 10 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

##### *Suspension of certificate*

- 3 [F1(1) This paragraph applies where at any time—
- (a) in the case of a prisoner custody officer acting in pursuance of prisoner escort arrangements, it appears to the prisoner escort monitor for the area concerned that the officer is not a fit and proper person to perform escort functions;
  - (b) in the case of a prisoner custody officer performing custodial duties at a contracted out prison, it appears to the controller of that prison that the officer is not a fit and proper person to perform custodial duties; or
  - (c) in the case of a prisoner custody officer performing contracted out functions at a directly managed prison, it appears to the governor of that prison that the officer is not a fit and proper person to perform custodial duties.]
- (2) The prisoner escort monitor [F2controller or governor] may—
- <sup>F3</sup>(a) refer the matter to the Secretary of State for a decision under paragraph 4 below; and
  - (b) in such circumstances as may be prescribed by regulations made by the Secretary of State, suspend the officer's certificate so far as it authorises the performance of escort functions or, as the case may be, custodial duties pending that decision.
- (3) The power to make regulations under this paragraph shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

##### Textual Amendments

- F1** Sch. 10 para. 3(1) substituted (3.11.1994) by 1994 c. 33, s. 101(9).  
**F2** Words in Sch. 10 para. 3(2) substituted (3.11.1994) by 1994 c. 33, s. 101(10).  
**F3** Sch. 10 para. 3(2)(a): transfer of functions (20.4.2000) by S.I. 2000/1160, art. 4(1)(2)(h)

##### Commencement Information

**II** Sch. 10 para. 3 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

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