

SCHEDULES

SCHEDULE 10

Section 89.

CERTIFICATION OF PRISONER CUSTODY OFFICERS

Preliminary

- 1 In this Schedule—
- “certificate” means a certificate under section 89 of this Act;
 - “the relevant functions”, in relation to a certificate, means the escort functions or custodial duties authorised by the certificate.

Issue of certificates

- 2 (1) Any person may apply to the Secretary of State for the issue of a certificate in respect of him.
- (2) The Secretary of State shall not issue a certificate on any such application unless he is satisfied that the applicant—
- (a) is a fit and proper person to perform the relevant functions; and
 - (b) has received training to such standard as he may consider appropriate for the performance of those functions.
- (3) Where the Secretary of State issues a certificate, then, subject to any suspension under paragraph 3 or revocation under paragraph 4 below, it shall continue in force until such date or the occurrence of such event as may be specified in the certificate.
- (4) A certificate authorising the performance of both escort functions and custodial duties may specify different dates or events as respects those functions and duties respectively.

Suspension of certificate

- 3 (1) This paragraph applies where at any time it appears—
- (a) in the case of a prisoner custody officer acting in pursuance of prisoner escort arrangements, to the prisoner escort monitor for the area concerned; or
 - (b) in the case of such an officer performing custodial duties at a contracted out prison, to the controller of that prison,
- that the officer is not a fit and proper person to perform the escort functions or, as the case may be, custodial duties.
- (2) The prisoner escort monitor or controller may—
- (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

Status: This is the original version (as it was originally enacted).

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.

Revocation of certificate

- 4 Where at any time it appears to the Secretary of State that a prisoner custody officer is not a fit and proper person to perform escort functions or custodial duties, he may revoke that officer's certificate so far as it authorises the performance of those functions or duties.

False statements

- 5 If any person, for the purpose of obtaining a certificate for himself or for any other person—
- (a) makes a statement which he knows to be false in a material particular; or
 - (b) recklessly makes a statement which is false in a material particular,
- he shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.