

Status: Point in time view as at 20/03/2015.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, PART 5. (See end of Document for details)

SCHEDULES

SCHEDULE 10

CONTRACTING OUT SECURE COLLEGES

PART 5

FURTHER AMENDMENTS

Prison Act 1952 (c. 52)

28 In section 52 of the Prison Act 1952 (exercise of power to make rules etc), after subsection (3) insert—

“(4) A statutory instrument containing rules under section 47 or 47A is subject to annulment in pursuance of a resolution of either House of Parliament, subject to subsection (5).

(5) A statutory instrument containing rules under section 47 that (whether alone or with other provision)—

(a) authorise a secure college custody officer performing custodial duties at a secure college to use reasonable force, or

(b) otherwise make a substantive change to the circumstances in which such an officer is authorised to do so,

may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

(6) In subsection (5), “secure college custody officer” has the same meaning as in Schedule 10 to the Criminal Justice and Courts Act 2015.”

Commencement Information

I1 Sch. 10 para. 28 in force at 20.3.2015 by S.I. 2015/778, art. 2(1)(d)

Criminal Justice Act 1967 (c. 80)

29 Omit section 66(4) of the Criminal Justice Act 1967 (exercise of powers to make rules under sections 47 and 47A of the Prison Act 1952).

Commencement Information

I2 Sch. 10 para. 29 in force at 20.3.2015 by S.I. 2015/778, art. 2(1)(d)

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Firearms Act 1968 (c. 27)

- 30 (1) Schedule 1 to the Firearms Act 1968 (offences to which section 17(2) of that Act applies) is amended as follows.
- (2) After paragraph 6 insert—
- “6A An offence under paragraph 14 or 24 of Schedule 10 to the Criminal Justice and Courts Act 2015 (assaulting secure college custody officer).”
- (3) In paragraph 8, for “6” substitute “ 6A ”.

Commencement Information

I3 Sch. 10 para. 30 in force at 20.3.2015 by S.I. 2015/778, art. 2(1)(d)

Criminal Justice Act 1988 (c. 33)

- 31 In section 40(3) of the Criminal Justice Act 1988 (powers to join in indictment count for certain offences), after paragraph (ab) insert—
- “(ac) an offence under paragraph 14 or 24 of Schedule 10 to the Criminal Justice and Courts Act 2015 (assaulting secure college custody officer);”.

Commencement Information

I4 Sch. 10 para. 31 in force at 20.3.2015 by S.I. 2015/778, art. 2(1)(d)

Private Security Industry Act 2001 (c. 12)

- 32 In paragraph 2(7) of Schedule 2 to the Private Security Industry Act 2001 (manned guarding activities not liable to control), after paragraph (c) insert—
- “(cza) activities that are carried out for the purposes of the performance of a contract entered into under, or for the purposes of, paragraph 1 of Schedule 10 to the Criminal Justice and Courts Act 2015 (contracting out of secure colleges) or paragraph 20 of that Schedule (contracted-out functions at directly managed secure colleges);”.

Commencement Information

I5 Sch. 10 para. 32 in force at 20.3.2015 by S.I. 2015/778, art. 2(1)(d)

Children Act 2004 (c. 31)

- 33 The Children Act 2004 is amended as follows.

Commencement Information

I6 Sch. 10 para. 33 in force at 20.3.2015 by S.I. 2015/778, art. 2(1)(d)

- 34 In section 15(3) (funding of Local Safeguarding Children Boards)—

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- (a) in paragraph (c), after “principal of a” insert “ directly managed ”, and
- (b) in paragraph (d), after “or prison” insert “ or the principal of a contracted-out secure college ”.

Commencement Information

I7 Sch. 10 para. 34 in force at 20.3.2015 by S.I. 2015/778, art. 2(1)(d)

- 35 In section 33(3) (funding of Local Safeguarding Children Boards in Wales)—
- (a) in paragraph (c), after “principal of a” insert “ directly managed ”, and
 - (b) in paragraph (d), after “or prison” insert “ or the principal of a contracted-out secure college ”.

Commencement Information

I8 Sch. 10 para. 35 in force at 20.3.2015 by S.I. 2015/778, art. 2(1)(d)

- 36 (1) Section 65 (interpretation) is amended as follows.
- (2) In subsection (3), at the end insert—
- “(d) references to a directly managed secure college and to a contracted-out secure college, and to the contractor in relation to a contracted-out secure college, have the meanings given by paragraph 27 of Schedule 10 to the Criminal Justice and Courts Act 2015.”
- (3) In subsection (4)—
- (a) in paragraph (a), omit “or”,
 - (b) at the end of paragraph (b), insert “ or ”,
 - (c) after paragraph (b) insert—
 - “(c) a contract under paragraph 1 of Schedule 10 to the Criminal Justice and Courts Act 2015 is for the time being in force in relation to part of a secure college”, and”
 - (d) for “or prison” substitute “ , prison or secure college ”.

Commencement Information

I9 Sch. 10 para. 36 in force at 20.3.2015 by S.I. 2015/778, art. 2(1)(d)

Offender Management Act 2007 (c. 21)

- 37 In section 14(9) of the Offender Management Act 2007 (disclosure)—
- (a) in paragraph (a), after sub-paragraph (ii) insert—
 - “(iii) a secure college under paragraph 1 of Schedule 10 to the Criminal Justice and Courts Act 2015;”;
 - (b) in paragraph (a), for “section in question” substitute “ provision in question ”,
 - (c) in paragraph (b)(ii), omit the words from “for offenders” to the end.

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Commencement Information

I10 Sch. 10 para. 37 in force at 20.3.2015 by S.I. 2015/778, art. 2(1)(d)

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