



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART I

#### YOUNG OFFENDERS

#### *Secure training orders*

**F1** .....

#### Textual Amendments

**F1** Ss. 1-4 repealed and superseded (1.4.2000) by 1998 c. 37, ss. 73(7)(b), 74-78, 120(2), **Sch. 10** (with Sch. 9); S.I. 1999/3426, **art. 3(c)** (with savings in art. 4)

**F2** .....

#### Textual Amendments

**F2** Ss. 1-4 repealed and superseded (1.4.2000) by 1998 c. 37, ss. 73(7)(b), 74-78, 120(2), **Sch. 10** (with Sch. 9); S.I. 1999/3426, **art. 3(b)** (with savings in art. 4) (and subject to amendment (*prosp.*) by 2000 c. 14, ss. 116, 122, **Sch. 4 para. 22**)

**F3** .....

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**Textual Amendments**

**F3** Ss. 1-4 repealed and superseded (1.4.2000) by 1998 c. 37, ss. 73(7)(b), 74-78, 120(2), **Sch. 10** (with Sch. 9); S.I. 1999/3426, **art. 3** (with savings in art. 4)

**F4** .....

**Textual Amendments**

**F4** Ss. 1-4 repealed and superseded (1.4.2000) by 1998 c. 37, ss. 73(7)(b), 74-78, 120(2), **Sch. 10** (with Sch. 9); S.I. 1999/3426, **art. 3** (with savings in art. 4)

**5 Provision etc. of secure training centres.**

- (1) Section 43 of the <sup>M1</sup>Prison Act 1952 (which enables certain institutions for young offenders to be provided and applies provisions of the Act to them) shall be amended as follows.
- (2) In subsection (1), after paragraph (c), there shall be inserted the following paragraph, preceded by the word “and”—
  - “(d) secure training centres, that is to say places in which offenders not less than 12 but under 17 years of age in respect of whom secure training orders have been made under section 1 of the Criminal Justice and Public Order Act 1994 may be detained and given training and education and prepared for their release”.
- (3) After subsection (4), there shall be inserted the following subsection—
  - “(4A) Sections 16, 22 and 36 of this Act shall apply to secure training centres and to persons detained in them as they apply to prisons and prisoners.”.
- (4) In subsection (5), for the words “such centres” there shall be substituted the words “centres of the descriptions specified in subsection (4) above”.
- (5) After subsection (5), there shall be inserted the following subsection—
  - “(5A) The other provisions of this Act preceding this section, except sections 5, 5A, 6(2) and (3), 12, 14, 19, 25, 28 and 37(2) and (3) above, shall apply to secure training centres and to persons detained in them as they apply to prisons and prisoners, but subject to such adaptations and modifications as may be specified in rules made by the Secretary of State.”.

**Marginal Citations**

**M1** 1952 c. 52.

**6 Management of secure training centres.**

- (1) Section 47 of the Prison Act 1952 (rules for the regulation and management of prisons and certain institutions for young offenders) shall be amended as follows.

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- (2) In subsection (1), for the words between “remand centres” and “respectively”, there shall be substituted the words “, young offender institutions or secure training centres”.
- (3) After subsection (4), there shall be inserted the following subsection—
  - “(4A) Rules made under this section shall provide for the inspection of secure training centres and the appointment of independent persons to visit secure training centres and to whom representations may be made by offenders detained in secure training centres.”.
- (4) In subsection (5), for the words between “remand centre” and “not” there shall be substituted the words “, young offender institution or secure training centre”.

## 7 Contracting out of secure training centres.

- (1) The Secretary of State may enter into a contract with another person for the provision or running (or the provision and running) by him, or (if the contract so provides) for the running by sub-contractors of his, of any secure training centre or part of a secure training centre.
- (2) While a contract for the running of a secure training centre or part of a secure training centre is in force the centre or part shall be run subject to and in accordance with the <sup>M2</sup>Prison Act 1952 and in accordance with secure training centre rules subject to such adaptations and modifications as the Secretary of State may specify in relation to contracted out secure training centres.
- (3) Where the Secretary of State grants a lease or tenancy of land for the purposes of any contract under this section, none of the following enactments shall apply to it, namely—
  - (a) Part II of the <sup>M3</sup>Landlord and Tenant Act 1954 (security of tenure);
  - (b) section 146 of the <sup>M4</sup>Law of Property Act 1925 (restrictions on and relief against forfeiture); and
  - (c) section 19 of the <sup>M5</sup>Landlord and Tenant Act 1927 and the <sup>M6</sup>Landlord and Tenant Act 1988 (covenants not to assign etc.).

In this subsection “lease or tenancy” includes an underlease or sub-tenancy.

- (4) In this section—
  - (a) the reference to the Prison Act 1952 is a reference to that Act as it applies to secure training centres by virtue of section 43 of that Act; and
  - (b) the reference to secure training centre rules is a reference to rules made under section 47 of that Act for the regulation and management of secure training centres.

### Modifications etc. (not altering text)

C1 S. 7: Transfer of functions (20.4.2000) by S.I. 2000/1160, art. 4(1)(2)(i)

### Marginal Citations

M2 1952 c. 52.  
M3 1954 c. 56.  
M4 1925 c. 20.

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**M5** 1927 c. 36.

**M6** 1988 c. 26.

## 8 Officers of contracted out secure training centres.

- (1) Instead of a governor, every contracted out secure training centre shall have—
- (a) a director, who shall be a custody officer appointed by the contractor and specially approved for the purposes of this section by the Secretary of State; and
  - (b) a monitor, who shall be a Crown servant appointed by the Secretary of State; and every officer of such a secure training centre who performs custodial duties shall be a custody officer who is authorised to perform such duties or an officer of a directly managed secure training centre who is temporarily attached to the secure training centre.
- (2) The director shall have such functions as are conferred on him by the <sup>M7</sup>Prison Act 1952 as it applies to secure training centres and as may be conferred on him by secure training centre rules.
- (3) The monitor shall have such functions as may be conferred on him by secure training centre rules and shall be under a duty—
- (a) to keep under review, and report to the Secretary of State on, the running of the secure training centre by or on behalf of the director; and
  - (b) to investigate, and report to the Secretary of State on, any allegations made against custody officers performing custodial duties at the secure training centre or officers of directly managed secure training centres who are temporarily attached to the secure training centre.
- (4) The contractor and any sub-contractor of his shall each be under a duty to do all that he reasonably can (whether by giving directions to the officers of the secure training centre or otherwise) to facilitate the exercise by the monitor of all such functions as are mentioned in or imposed by subsection (3) above.

### Modifications etc. (not altering text)

**C2** S. 8(1)(b)(3): Transfer of functions (20.4.2000) by S.I. 2000/1160, art. 4(1)(2)(k)(i)

### Marginal Citations

**M7** 1952 c. 52.

## 9 Powers and duties of custody officers employed at contracted out secure training centres.

- (1) A custody officer performing custodial duties at a contracted out secure training centre shall have the following powers, namely—
- (a) to search in accordance with secure training centre rules any offender who is detained in the secure training centre; and
  - (b) to search any other person who is in or who is seeking to enter the secure training centre, and any article in the possession of such a person.

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- (2) The powers conferred by subsection (1)(b) above to search a person shall not be construed as authorising a custody officer to require a person to remove any of his clothing other than an outer coat, headgear, jacket or gloves.
- (3) A custody officer performing custodial duties at a contracted out secure training centre shall have the following duties as respects offenders detained in the secure training centre, namely—
  - (a) to prevent their escape from lawful custody;
  - (b) to prevent, or detect and report on, the commission or attempted commission by them of other unlawful acts;
  - (c) to ensure good order and discipline on their part; and
  - (d) to attend to their wellbeing.
- (4) The powers conferred by subsection (1) above, and the powers arising by virtue of subsection (3) above, shall include power to use reasonable force where necessary.

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#### **[<sup>F5</sup>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.]

#### **Textual Amendments**

**F5** S. 9A inserted (1.11.2007) by *Offender Management Act 2007* (c. 21), **ss. 17(3)**, 41(1); S.I. 2007/3001, **art. 2(1)(b)**

#### **Modifications etc. (not altering text)**

**C3** S. 9A(2) modified (temp.) (10.10.2007) by *The Offender Management Act 2007 (Commencement No.1 and Transitional Provisions) Order 2007* (S.I. 2007/3001), **art. 2(2)**

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**C4** S. 9A(4) modified (prosp.) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 63(1)(2), 94, [Sch. 6 para. 24](#) (with [Sch. 13 para. 5](#))

## **10 Intervention by Secretary of State in management of contracted out secure training centres.**

- (1) This section applies where, in the case of a contracted out secure training centre, it appears to the Secretary of State—
  - (a) that the director has lost, or is likely to lose, effective control of the secure training centre or any part of it; and
  - (b) that the making of an appointment under subsection (2) below is necessary in the interests of preserving the safety of any person, or of preventing serious damage to any property.
- (2) The Secretary of State may appoint a Crown servant to act as governor of the secure training centre for the period—
  - (a) beginning with the time specified in the appointment; and
  - (b) ending with the time specified in the notice of termination under subsection (4) below.
- (3) During that period—
  - (a) all the functions which would otherwise be exercisable by the director or monitor shall be exercisable by the governor;
  - (b) the contractor and any sub-contractor of his shall each do all that he reasonably can to facilitate the exercise by the governor of those functions; and
  - (c) the officers of the secure training centre shall comply with any directions given by the governor in the exercise of those functions.
- (4) Where the Secretary of State is satisfied—
  - (a) that the governor has secured effective control of the secure training centre or, as the case may be, the relevant part of it; and
  - (b) that the governor's appointment is no longer necessary for the purpose mentioned in subsection (1)(b) above,
 he shall, by a notice to the governor, terminate the appointment at a time specified in the notice.
- (5) As soon as practicable after making or terminating an appointment under this section, the Secretary of State shall give a notice of the appointment, or a copy of the notice of termination, to the contractor, any sub-contractor of his, the director and the monitor.

## **11 Contracted out functions at directly managed secure training centres.**

- (1) The Secretary of State may enter into a contract with another person for any functions at a directly managed secure training centre to be performed by custody officers who are provided by that person and are authorised to perform custodial duties.
- (2) Section 9 shall apply in relation to a custody officer performing contracted out functions at a directly managed secure training centre as it applies in relation to such an officer performing custodial duties at a contracted out secure training centre.
- (3) In relation to a directly managed secure training centre, the reference in section 13(2) of the <sup>M8</sup>Prison Act 1952 (legal custody of prisoners) as it applies to secure training

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centres to an officer of the prison shall be construed as including a reference to a custody officer performing custodial duties at the secure training centre in pursuance of a contract under this section.

- (4) Any reference in subsections (1), (2) and (3) above to the performance of functions or custodial duties at a directly managed secure training centre includes a reference to the performance of functions or such duties for the purposes of, or for purposes connected with, such a secure training centre.

**Modifications etc. (not altering text)**

**C5** S. 11: Transfer of functions (20.4.2000) by S.I. 2000/1160, art. 4(1)(2)(i)

**Marginal Citations**

**M8** 1952 c. 52.

**12 Escort arrangements and officers.**

- (1) The provisions of Schedule 1 to this Act (which make provision for escort arrangements for offenders detained at a secure training centre) shall have effect.
- (2) The provisions of Schedule 2 to this Act shall have effect with respect to the certification of custody officers.
- (3) In this Part, “custody officer” means a person in respect of whom a certificate is for the time being in force certifying—
- (a) that he has been approved by the Secretary of State for the purpose of performing escort functions or custodial duties or both in relation to offenders in respect of whom secure training orders [<sup>F6</sup>or detention and training orders] have been made; and
  - (b) that he is accordingly authorised to perform them.

**Textual Amendments**

**F6** Words in s. 12(3)(a) inserted (1.4.2000) by 1998 c. 37, s. 119, **Sch. 8 para. 111** (with Sch. 9); S.I. 1999/3426, **art. 3**

**Modifications etc. (not altering text)**

**C6** S. 12(3): Transfer of functions (20.4.2000) by S.I. 2000/1160, **art. 4(1)(2)(k)(ii)**

**13 Protection of custody officers at secure training centres.**

- (1) Any person who assaults a custody officer—
- (a) acting in pursuance of escort arrangements;
  - (b) performing custodial duties at a contracted out secure training centre; or
  - (c) performing contracted out functions at a directly managed secure training centre,
- shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months or to both.
- (2) Any person who resists or wilfully obstructs a custody officer—

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- (a) acting in pursuance of escort arrangements;
- (b) performing custodial duties at a contracted out secure training centre; or
- (c) performing contracted out functions at a directly managed secure training centre,

shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (3) For the purposes of this section, a custody officer shall not be regarded as acting in pursuance of escort arrangements at any time when he is not readily identifiable as such an officer (whether by means of a uniform or badge which he is wearing or otherwise).

#### **14 Wrongful disclosure of information relating to offenders detained at secure training centres.**

- (1) A person who—

- (a) is or has been employed (whether as a custody officer or otherwise) in pursuance of escort arrangements or at a contracted out secure training centre; or
- (b) is or has been employed to perform contracted out functions at a directly managed secure training centre,

commits an offence if he discloses, otherwise than in the course of his duty or as authorised by the Secretary of State, any information which he acquired in the course of his employment and which relates to a particular offender detained at a secure training centre.

- (2) A person guilty of an offence under subsection (1) above shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both;
- (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.

#### **Modifications etc. (not altering text)**

C7 S. 14(1): Transfer of functions (20.4.2000) by S.I. 2000/1160, art. 4(1)(2)(k)(iii)

#### **15 Interpretation of sections 7 to 14.**

In sections 7 to 14—

“contracted out functions” means any functions which, by virtue of a contract under section 11, fall to be performed by custody officers;

“contracted out secure training centre” means a secure training centre or part of a secure training centre in respect of which a contract under section 7(1) is for the time being in force;

“the contractor”, in relation to a contracted out secure training centre, means the person who has contracted with the Secretary of State for the provision or running (or the provision and running) of it;

“custodial duties” means custodial duties at a secure training centre;

“directly managed secure training centre” means a secure training centre which is not a contracted out secure training centre;



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“escort arrangements” means the arrangements specified in paragraph 1 of Schedule 1 to this Act;

“escort functions” means the functions specified in paragraph 1 of Schedule 1 to this Act;

“escort monitor” means a person appointed under paragraph 2(1)(a) of Schedule 1 to this Act;

“secure training centre rules” has the meaning given by section 7(4)(b); and

“sub-contractor”, in relation to a contracted out secure training centre, means a person who has contracted with the contractor for the running of it or any part of it.

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