

Status: Point in time view as at 01/08/2007.

Changes to legislation: Criminal Justice and Public Order Act 1994, SCHEDULE 7 is up to date with all changes known to be in force on or before 30 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)

SCHEDULE 7

Section 122(2).

CERTIFICATION OF PRISONER CUSTODY OFFICERS: NORTHERN IRELAND

Preliminary

- 1 In this Schedule—
- “certificate” means a certificate under section 122 of this Act;
 - “the relevant functions”, in relation to a certificate, means the escort functions 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.

Suspension of certificate

- 3 (1) This paragraph applies where at any time it appears to the prisoner escort monitor for the area concerned, that a prisoner custody officer is not a fit and proper person to perform the escort functions.
- (2) The prisoner escort monitor 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 the performance of escort functions.
- (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, he may revoke that officer’s certificate so far as it authorises the performance of those functions.

False statements

- 5 If any person, for the purpose of obtaining a certificate for himself or for any other person—

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- (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.

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