
STATUTORY INSTRUMENTS

1994 No. 3193

PRISONS

The Criminal Justice Act 1991 (Suspension of Prisoner Custody Officer Certificate) (Amendment) Regulations 1994

Made - - - - *10th December 1994*
Laid before Parliament *16th December 1994*
Coming into force - - *9th January 1995*

In exercise of the power conferred upon me by paragraph 3(2) of Schedule 10 to the Criminal Justice Act 1991(1), I hereby make the following Regulations:

1. These Regulations may be cited as the Criminal Justice Act 1991 (Suspension of Prisoner Custody Officer Certificate) (Amendment) Regulations 1994 and shall come into force on 9th January 1995.

2. In regulation 3 of the Criminal Justice Act 1991 (Suspension of Prisoner Custody Officer Certificate) Regulations 1992(2)—

- (a) for the words “or controller” there shall be substituted the words “, controller or governor”;
- (b) in sub-paragraph (a)(i), for the words “or performing custodial duties at a prison” there shall be substituted the words “, performing custodial duties at a contracted out prison or performing contracted out functions at a directly managed prison”;
- (c) in sub-paragraph (a)(ii), for the words “by the contractor” there shall be substituted the words “by his employer”; and
- (d) in sub-paragraph (a)(iii), and in paragraph (b), after the word “controller” there shall be inserted the words “or governor”.

Home Office
10th December 1994

Michael Howard
One of Her Majesty’s Principal Secretaries of
State

(1) 1991 c. 53. Paragraph 3 of Schedule 10 to the 1991 Act was amended by section 101(9) of the Criminal Justice and Public Order Act 1994 (c. 33).
(2) S.I. 1992/727.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Paragraph 3 of Schedule 10 to the Criminal Justice Act 1991 (“the 1991 Act”) provides that if it appears to the appropriate prisoner escort monitor, controller of a contracted out prison or governor of a directly managed prison, that a prisoner custody officer is not a fit and proper person to perform, respectively, escort functions, custodial duties or contracted out functions, he may refer the matter to the Secretary of State who may revoke that officer’s certificate and may, in prescribed circumstances, suspend the officer’s certificate pending the Secretary of State’s decision.

The Criminal Justice Act 1991 (Suspension of Prisoner Custody Officer Certificate) Regulations 1992 (“the 1992 Regulations”) prescribed the circumstances in which the prisoner escort monitor or controller of a contracted out prison could suspend an officer’s certificate pending the Secretary of State’s decision.

These Regulations amend the 1992 Regulations principally so as to prescribe the circumstances in which the governor of a directly managed prison can suspend the certificate of an officer performing contracted out functions at a directly managed prison pending the Secretary of State’s decision.