

2003 No. 3005

**SECURE TRAINING CENTRES, ENGLAND
AND WALES**

The Secure Training Centre (Amendment) Rules 2003

Made - - - - - *23rd November 2003*
Laid before Parliament *26th November 2003*
Coming into force - - *29th December 2003*

The Secretary of State, in exercise of the powers conferred on him by section 47 of the Prison Act 1952(a) and section 7 of the Criminal Justice and Public Order Act 1994(b), hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Secure Training Centre (Amendment) Rules 2003 and shall come into force on 29th December 2003.

Amendment of Secure Training Centre Rules 1998

2.—(1) The Secure Training Centre Rules 1998(c) are amended as follows.

(2) In rule 2, in the definition of “compulsory school age”, for “section 580” there is substituted “section 8”.

(3) In rule 2, after the definition of “compulsory school age”, there is inserted “convicted trainee” means a trainee who has been ordered to be detained in consequence of his conviction for an offence, and the expression “unconvicted trainee” shall be construed accordingly”.

(4) In rule 3, at the beginning of paragraph (2)(b) and at the beginning of paragraph (2)(d), there is inserted “in the case of convicted trainees,”.

(5) In rules 10(2), 42(1) and 42(2), the words “statute or” are omitted.

(6) In rule 27(1), after “physical education and” there is inserted “, in the case of a convicted trainee,”.

(7) In rule 27(3)(a), after “6 months or less” there is inserted “or an unconvicted trainee”.

(8) In rule 27(4), for sub-paragraphs (a) and (b), there is substituted—

“(a) in the case of a convicted trainee, the services responsible for the trainee’s supervision after release;

(b) in the case of an unconvicted trainee, an officer of the local authority which is looking after the trainee (within the meaning of section 22(1) of the Children Act 1989(d)); and

(a) 1952 c. 52 (15 & 16 Geo 6 and 1 Eliz 2 c. 52); section 47 was amended by section 6 of the Criminal Justice and Public Order Act 1994 (c. 33). There are other amendments which are not relevant to these Rules.

(b) 1994 c. 33.

(c) S.I. 1998/472.

(d) 1989 c. 41; section 22(1) was amended by paragraph 19 of Schedule 5 to the Local Government Act 2000 (c. 22), section 2 of the Children (Leaving Care) Act 2000 (c. 35) and section 116(2) of the Adoption and Children Act 2002 (c. 38).

(c) in all cases, the trainee's parent or guardian.”

(9) For rule 30(1), there is substituted—

“(1) From the beginning of his period of detention, consideration shall be given to a trainee's future and the help to be given to him in preparation for and after his return to the community, in consultation with the appropriate supervising service, in the case of a convicted trainee, or an officer of the local authority which is looking after the trainee (within the meaning of section 22(1) of the Children Act 1989), in the case of an unconvicted trainee.”

(10) In rule 30(2), for “trainee” there is substituted “convicted trainee”.

(11) In rule 45A(2)(b)(iii) as inserted by rule 46(14)(a), for “trainee” there is substituted “convicted trainee”.

Home Office
23rd November 2003

Paul Goggins
Parliamentary Under-Secretary of State

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Secure Training Centre Rules 1998 (S.I. 1998/472). The majority of the changes are so that certain provisions apply differently to persons detained in secure training centres who have not been convicted of an offence. Previously, it was not possible for a person who had not been convicted of an offence to be detained in a secure training centre. However, section 133 of the Criminal Justice and Police Act 2001 (c. 16) amended section 23 of the Children and Young Persons Act 1969 (c. 24) so that a person who had been remanded to local authority secure accommodation could be detained in a secure training centre, with the consent of the Secretary of State.

In addition, rule 2(2) and (5) of these Rules makes some changes to rules 2, 10 and 42 of the Secure Training Centre Rules 1998 in order to improve the drafting.

(a) Rule 45A has effect as a modification in the application of the Secure Training Centre Rules 1998 to a contracted-out secure training centre, by virtue of rule 46(1) and (14).

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