

**Changes to legislation:** Criminal Justice Act 1991, SCHEDULE 10 is up to date with all changes known to be in force on or before 26 January 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) View outstanding changes

## SCHEDULES

### SCHEDULE 10

Section 89.

#### CERTIFICATION OF PRISONER CUSTODY OFFICERS

##### Commencement Information

**II** Sch. 10 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

##### *Preliminary*

1 In this Schedule—

“certificate” means a certificate under section 89 of this Act;

“the relevant functions”, in relation to a certificate, means the escort functions or custodial duties authorised by the certificate.

##### Commencement Information

**I2** Sch. 10 para. 1 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

##### *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—
- is a fit and proper person to perform the relevant functions; and
  - 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.
- (4) A certificate authorising the performance of both escort functions and custodial duties may specify different dates or events as respects those functions and duties respectively.

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

**C1** Sch. 10 para. 2: transfer of functions (20.4.2000) by S.I. 2000/1160, art. 4(1)(2)(h)

##### Commencement Information

**I3** Sch. 10 para. 2 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

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### *Suspension of certificate*

- 3 [F1(1) This paragraph applies where at any time—
- (a) in the case of a prisoner custody officer acting in pursuance of prisoner escort arrangements, it appears to the prisoner escort monitor for the area concerned that the officer is not a fit and proper person to perform escort functions;
  - (b) in the case of a prisoner custody officer performing custodial duties at a contracted out prison, it appears to the controller of that prison that the officer is not a fit and proper person to perform custodial duties; or
  - (c) in the case of a prisoner custody officer performing contracted out functions at a directly managed prison, it appears to the governor of that prison that the officer is not a fit and proper person to perform custodial duties.]
- (2) The prisoner escort monitor [F2controller or governor] may—
- F3(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 or, as the case may be, custodial duties pending that decision.
- (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.

#### **Textual Amendments**

- F1 Sch. 10 para. 3(1) substituted (3.11.1994) by 1994 c. 33, s. 101(9).  
 F2 Words in Sch. 10 para. 3(2) substituted (3.11.1994) by 1994 c. 33, s. 101(10).  
 F3 Sch. 10 para. 3(2)(a): transfer of functions (20.4.2000) by S.I. 2000/1160, art. 4(1)(2)(h)

#### **Commencement Information**

- I4 Sch. 10 para. 3 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

### *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 or custodial duties, he may revoke that officer’s certificate so far as it authorises the performance of those functions or duties.

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

- C2 Sch. 10 para. 4: transfer of functions (20.4.2000) by S.I. 2000/1160, art. 4(1)(2)(h)

#### **Commencement Information**

- I5 Sch. 10 para. 4 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

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*False statements*

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

**Commencement Information**

**I6** Sch. 10 para. 5 wholly in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(4) and Sch. 3

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 24(2)(ba) inserted by [2013 c. 22 s. 26\(7\)](#)
- s. 46(3)(aa) substituted for word by [2008 c. 4 s. 33\(7\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))
- s. 46ZA inserted by [2008 c. 4 s. 33\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))