



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART I

YOUNG OFFENDERS

Secure training orders

1 Secure training orders

- (1) Subject to section 8(1) of the Criminal Justice Act 1982 and section 53(1) of the Children and Young Persons Act 1933 (sentences of custody for life and long term detention), where—
 - (a) a person of not less than 12 but under 15 years of age is convicted of an imprisonable offence; and
 - (b) the court is satisfied of the matters specified in subsection (5) below, the court may make a secure training order.
- (2) A secure training order is an order that the offender in respect of whom it is made shall be subject to a period of detention in a secure training centre followed by a period of supervision.
- (3) The period of detention and supervision shall be such as the court determines and specifies in the order, being not less than six months nor more than two years.
- (4) The period of detention which the offender is liable to serve under a secure training order shall be one half of the total period specified by the court in making the order.
- (5) The court shall not make a secure training order unless it is satisfied—
 - (a) that the offender was not less than 12 years of age when the offence for which he is to be dealt with by the court was committed;

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- (b) that the offender has been convicted of three or more imprisonable offences; and
- (c) that the offender, either on this or a previous occasion—
 - (i) has been found by a court to be in breach of a supervision order under the Children and Young Persons Act 1969, or
 - (ii) has been convicted of an imprisonable offence committed whilst he was subject to such a supervision order.
- (6) A secure training order is a custodial sentence for the purposes of sections 1 to 4 of the Criminal Justice Act 1991 (restrictions etc. as to custodial sentences).
- (7) Where a court makes a secure training order, it shall be its duty to state in open court that it is of the opinion that the conditions specified in subsection (5) above are satisfied.
- (8) In this section “imprisonable offence” means an offence (not being one for which the sentence is fixed by law) which is punishable with imprisonment in the case of a person aged 21 or over.
- (9) For the purposes of this section, the age of a person shall be deemed to be that which it appears to the court to be after considering any available evidence.
- (10) This section shall have effect, as from the day appointed for each of the following paragraphs, with the substitution in subsections (1) and (5)—
 - (a) of “14” for “12”;
 - (b) of “13” for “14”;
 - (c) of “12” for “13”;
 but no substitution may be brought into force on more than one occasion.

2 Secure training orders: supplementary provisions as to detention

- (1) The following provisions apply in relation to a person (“the offender”) in respect of whom a secure training order (“the order”) has been made under section 1.
- (2) Where accommodation for the offender at a secure training centre is not immediately available—
 - (a) the court may commit the offender to such place and on such conditions—
 - (i) as the Secretary of State may direct, or
 - (ii) as the Secretary of State may arrange with a person to whom this sub-paragraph applies,
 and for such period (not exceeding 28 days) as the court may specify or until his transfer to a secure training centre, if earlier;
 - (b) if no such accommodation becomes or will become available before the expiry of the period of the committal the court may, on application, extend the period of committal (subject to the restriction referred to in paragraph (a) above); and
 - (c) the period of detention in the secure training centre under the order shall be reduced by the period spent by the offender in such a place.
- (3) The power conferred by subsection (2)(b) above may, subject to section 1(4), be exercised from time to time and the reference in subsection (2)(b) to the expiry of the period of the committal is, in the case of the initial extension, a reference to the expiry of the period of the committal under subsection (2)(a) above and, in the case of

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a further extension, a reference to the expiry of the period of the previous committal by virtue of this subsection.

- (4) Where the circumstances of the case require, the Secretary of State may transfer the offender from a secure training centre to such other place and on such conditions—
 - (a) as the Secretary of State may direct, or
 - (b) as the Secretary of State may arrange with a person to whom this paragraph applies;and the period of detention in the secure training centre under the order shall be reduced by the period spent by the offender in such a place.
- (5) The persons to whom subsections (2)(a)(ii) and (4)(b) apply are local authorities, voluntary organisations and persons carrying on a registered childrens' home.
- (6) Where the Secretary of State is satisfied that exceptional circumstances exist which justify the offender's release on compassionate grounds he may release the offender from the secure training centre; and the offender shall, on his release, be subject to supervision for the remainder of the term of the order.
- (7) A person detained in pursuance of directions or arrangements made for his detention shall be deemed to be in legal custody.
- (8) In this section "local authority", "voluntary organisation" and "registered childrens' home" have the same meaning as in the Children Act 1989.

3 Supervision under secure training order

- (1) The following provisions apply as respects the period of supervision of a person ("the offender") subject to a secure training order.
- (2) The offender shall be under the supervision of a probation officer, a social worker of a local authority social services department or such other person as the Secretary of State may designate.
- (3) The category of person to supervise the offender shall be determined from time to time by the Secretary of State.
- (4) Where the supervision is to be provided by a social worker of a local authority social services department, the social worker shall be a social worker of the local authority within whose area the offender resides for the time being.
- (5) Where the supervision is to be provided by a probation officer, the probation officer shall be an officer appointed for or assigned to the petty sessions area within which the offender resides for the time being.
- (6) The probation committee or local authority shall be entitled to recover from the Secretary of State the expenses reasonably incurred by them in discharging their duty under this section.
- (7) The offender shall be given a notice from the Secretary of State specifying—
 - (a) the category of person for the time being responsible for his supervision; and
 - (b) any requirements with which he must for the time being comply.
- (8) A notice under subsection (7) above shall be given to the offender—
 - (a) before the commencement of the period of supervision; and

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- (b) before any alteration in the matters specified in subsection (7) (a) or (b) comes into effect.
- (9) The Secretary of State may by statutory instrument make rules for regulating the supervision of the offender.
- (10) The power to make rules under subsection (9) above includes power to make provision in the rules by the incorporation by reference of provisions contained in other documents.
- (11) A statutory instrument made under subsection (9) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (12) The sums required by the Secretary of State for making payments under subsection (6) shall be defrayed out of money provided by Parliament.

4 Breaches of requirements of supervision of persons subject to secure training orders

- (1) Where a secure training order has been made as respects an offender and it appears on information to a justice of the peace acting for a relevant petty sessions area that the offender has failed to comply with requirements under section 3(7)(b) the justice may issue a summons requiring the offender to appear at the place and time specified in the summons before a youth court acting for the area or, if the information is in writing and on oath, may issue a warrant for the offender's arrest requiring him to be brought before such a court.
- (2) For the purposes of this section a petty sessions area is a relevant petty sessions area in relation to a secure training order—
 - (a) if the secure training centre is situated in it;
 - (b) if the order was made by a youth court acting for it; or
 - (c) if the offender resides in it for the time being.
- (3) If it is proved to the satisfaction of the youth court before which an offender appears or is brought under this section that he has failed to comply with requirements under section 3(7)(b) that court may—
 - (a) order the offender to be detained in a secure training centre for such period, not exceeding the shorter of three months or the remainder of the period of the secure training order, as the court may specify, or
 - (b) impose on the offender a fine not exceeding level 3 on the standard scale.
- (4) Where accommodation for an offender in relation to whom the court decides to exercise their powers under subsection (3)(a) above is not immediately available, paragraphs (a), (b) and (c) of subsection (2) and subsections (5), (7) and (8) of section 2 shall apply in relation to him as they apply in relation to an offender in respect of whom a secure training order is made.
- (5) For the purposes of this section references to a failure to comply include references to a contravention.

5 Provision etc. of secure training centres

- (1) Section 43 of the 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.”.

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.
- (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.

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- (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 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 Landlord and Tenant Act 1954 (security of tenure);
 - (b) section 146 of the Law of Property Act 1925 (restrictions on and relief against forfeiture); and
 - (c) section 19 of the Landlord and Tenant Act 1927 and the 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.

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 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.

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.
- (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.

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 Prison Act 1952 (legal custody of prisoners) as it applies to secure training 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.

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 have been made; and
 - (b) that he is accordingly authorised to perform them.

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—

- (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.

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;

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“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;

“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.