

SCHEDULES

SCHEDULE 9

Section 38

SECURE COLLEGES ETC: FURTHER AMENDMENTS

Prison Act 1952 (c. 52)

- 1 The Prison Act 1952 is amended as follows.
- 2 In section 37(4) (closing of prisons etc), for “or secure training centre” substitute “, secure training centre or secure college”.
- 3 (1) Section 47 (rules for the management of prisons etc) is amended as follows.
 - (2) In subsection (1), for “or secure training centres respectively” substitute “, secure training centres or secure colleges”.
 - (3) In subsection (1A)(a), after “secure training centres” insert “, secure colleges”.
 - (4) In subsection (4A)—
 - (a) for “the inspection of secure training centres and” substitute “—
 - (a) the inspection of secure training centres and secure colleges,
and
 - (b)”,
 - (b) for “visit secure training centres” substitute “visit them”, and
 - (c) for “detained in secure training centres” substitute “detained there”.
 - (5) In subsection (5), for “or secure training centre” substitute “, secure training centre or secure college”.
 - (6) For the heading of that section substitute “Rules for the management of prisons and places for the detention of young offenders”.
- 4 In section 49(5) (persons unlawfully at large: definition of “youth detention accommodation”), after paragraph (b) (but before “or”) insert—

“(ba) a secure college;”.

Criminal Justice Act 1961 (c. 39)

- 5 The Criminal Justice Act 1961 is amended as follows.
- 6 In section 23(4) (prison rules), after “a young offender institution” insert “, a secure college;”.
- 7 In section 38(3)(a) (construction of references to sentence of imprisonment etc)—
 - (a) for “young offenders” substitute “young offender”, and
 - (b) after “secure training centre” insert “or secure college”.

Status: This is the original version (as it was originally enacted).

Criminal Justice Act 1982 (c. 48)

- 8 (1) Section 32 of the Criminal Justice Act 1982 (early release of prisoners) is amended as follows.
- (2) In subsection (1)(a)—
- (a) omit “under section 225 of the Criminal Justice Act 2003”, and
 - (b) omit “under section 226A or 227 of that Act”.
- (3) For subsection (1A) substitute—
- “(1A) In this section—
- (a) references to a sentence of imprisonment include a sentence of detention (other than a sentence of service detention within the meaning of the Armed Forces Act 2006), including a detention and training order and an order under section 211 of the Armed Forces Act 2006;
 - (b) references to a sentence of imprisonment for life include custody for life and detention at Her Majesty’s pleasure;
 - (c) references to a sentence of imprisonment for public protection are to a sentence under section 225 or 226 of the Criminal Justice Act 2003, including a sentence passed as a result of section 219 or 221 of the Armed Forces Act 2006;
 - (d) references to an extended sentence are to a sentence under section 226A, 226B, 227 or 228 of the Criminal Justice Act 2003, including a sentence passed as a result of section 219A, 220, 221A or 222 of the Armed Forces Act 2006;
 - (e) references to prison include youth detention accommodation (within the meaning of section 107(1) of the Powers of Criminal Courts (Sentencing) Act 2000).”
- (4) In subsection (6), omit “not within subsection (5) above”.
- (5) After subsection (6) insert—
- “(6A) Subsection (6) does not apply—
- (a) where the person is within subsection (5), or
 - (b) where the sentence is a detention and training order or a sentence under section 211 of the Armed Forces Act 2006.”
- (6) Omit subsections (7) and (7A).

Police and Criminal Evidence Act 1984 (c. 60)

- 9 In section 17(1)(cb)(i) of the Police and Criminal Evidence Act 1984 (entry for purpose of arrest etc), for the words from “remand centre” to “secure training centre” substitute “young offender institution, secure training centre or secure college”.

Water Industry Act 1991 (c. 56)

- 10 In paragraph 13(2) of Schedule 4A to the Water Industry Act 1991 (premises not to be disconnected for non-payment of a charge)—
- (a) in paragraph (b), omit the words from “within” to “, or”, and
 - (b) after that paragraph insert—

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“(ba) a secure college, or”.

Prisoners (Return to Custody) Act 1995 (c. 16)

- 11 In section 1(2) of the Prisoners (Return to Custody) Act 1995 (remaining at large after temporary release), after “secure training centre” insert “or secure college”.

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 12 In section 107(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (definition of “youth detention accommodation” for the purposes of detention and training orders), after paragraph (a) insert—
“(aa) a secure college;”.

Children Act 2004 (c. 31)

- 13 The Children Act 2004 is amended as follows.
- 14 In section 11(1) (arrangements to safeguard and promote welfare), after paragraph (l) insert—
“(la) the principal of a secure college in England;”.
- 15 In section 13(3) (establishment of Local Safeguarding Children Boards), after paragraph (i) insert—
“(ia) the principal of a secure college in the area of the authority;”.
- 16 In section 15(3)(c) (funding of Local Safeguarding Children Boards), after “or prison” insert “or the principal of a secure college”.
- 17 In section 25(4A) (co-operation to improve well-being: Wales)—
(a) for “Crown or” substitute “Crown,” and
(b) after “director” insert “or the principal of a secure college”.
- 18 In section 28(1) (arrangements to safeguard and promote welfare: Wales), after paragraph (h) insert—
“(ha) the principal of a secure college in Wales;”.
- 19 In section 31(3) (establishment of Local Safeguarding Children Boards in Wales), after paragraph (f) insert—
“(fa) the principal of a secure college in the area of the authority;”.
- 20 In section 33(3)(c) (funding of Local Safeguarding Children Boards in Wales), after “or prison” insert “or the principal of a secure college”.

Childcare Act 2006 (c. 21)

- 21 In section 18(7) of the Childcare Act 2006 (meaning of “childcare”)—
(a) in paragraph (a), omit “or”,
(b) at the end of paragraph (b), insert “, or”, and
(c) after paragraph (b) insert—
“(c) a secure college.”

Status: This is the original version (as it was originally enacted).

Education and Inspections Act 2006 (c. 40)

- 22 (1) Section 146 of the Education and Inspections Act 2006 (inspection of secure training centres) is amended as follows.
- (2) In the heading, after “secure training centres” insert “and secure colleges”.
- (3) In subsection (1), after “secure training centres” insert “and secure colleges”.
- (4) Omit subsection (3).

Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)

- 23 In section 2(7) of the Corporate Manslaughter and Corporate Homicide Act 2007 (relevant duty of care), in the definition of “custodial institution”, after “secure training centre,” insert “a secure college.”.

Offender Management Act 2007 (c. 21)

- 24 The Offender Management Act 2007 is amended as follows.
- 25 In section 1(4) (meaning of “the probation purposes”), in the definition of “prison”, for “and a secure training centre” substitute “, a secure training centre and a secure college”.
- 26 In section 14(5)(a) (disclosure)—
- (a) in sub-paragraph (i), omit “and”,
 - (b) in sub-paragraph (ii), at the end insert “and”, and
 - (c) after sub-paragraph (ii) insert—
“(iii) secure colleges or persons detained in them;”.

Policing and Crime Act 2009 (c. 26)

- 27 In paragraph 14(3) of Schedule 5A to the Policing and Crime Act 2009 (detention orders), after paragraph (a) insert—
“(aa) a secure college;”.

Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)

- 28 The Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended as follows.
- 29 In section 102(2) (definition of “youth detention accommodation” for the purposes of remand), after paragraph (a) insert—
“(aa) a secure college;”.
- 30 In section 103(1) (arrangements for remand), for “the accommodation in secure children’s homes, or accommodation within section 102(2)(d), of” substitute “the provision of accommodation of a kind listed in section 102(2) for”.

Prisons (Interference with Wireless Telegraphy) Act 2012 (c. 20)

- 31 (1) Section 4 of the Prisons (Interference with Wireless Telegraphy) Act 2012 (interpretation) is amended as follows.

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- (2) In subsection (1), in the definition of “relevant institution”, after paragraph (d) insert—
- “*(e) a secure college in England or Wales;*”.
- (3) In subsection (2), after paragraph (b) insert—
- “*(ba) in the case of a secure college in England or Wales, its principal;*”.

Social Services and Well-being (Wales) Act 2014 (anaw 4)

- 32 (1) The Social Services and Well-being (Wales) Act 2014 is amended as follows.
- (2) In the English language text of section 134(8) (Safeguarding Children Boards and Safeguarding Adults Boards)—
- (a) for “Crown or” substitute “Crown,”, and
- (b) after “director” insert “or the principal of a secure college”.
- (3) In the Welsh language text of that provision—
- (a) for “Goron na” substitute “Goron,”, and
- (b) after “cyfarwyddwr” insert “na phennaeth coleg diogel”.
- (4) In the English language text of section 188(1) (interpretation of sections 185 to 187), in the definition of “youth detention accommodation”, after paragraph (b) insert—
- “*(ba) a secure college;*”.
- (5) In the Welsh language text of that provision, in the definition of “llety cadw ieuentid”, after paragraph (b) insert—
- “*(ba) coleg diogel;*”.