

## SCHEDULES

### SCHEDULE 10

Section 89.

#### CERTIFICATION OF PRISONER CUSTODY OFFICERS

##### *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.

##### *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—
- (a) is a fit and proper person to perform the relevant functions; and
  - (b) 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.

##### *Suspension of certificate*

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

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*Status: This is the original version (as it was originally enacted).*

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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.

*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.

*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.