

SCHEDULES

SCHEDULE 13

Section 156(5).

ESCORT ARRANGEMENTS

Monitoring of escort arrangements

- 1 (1) Escort arrangements must include provision for the appointment of a Crown servant as escort monitor.
- (2) The escort monitor must—
- (a) keep the escort arrangements under review and report on them to the Secretary of State as required in accordance with the arrangements;
 - (b) from time to time inspect the conditions in which detained persons are transported or held in accordance with the escort arrangements;
 - (c) make recommendations to the Secretary of State, with a view to improving those conditions, whenever he considers it appropriate to do so;
 - (d) investigate, and report to the Secretary of State on, any allegation made against a detainee custody officer or prisoner custody officer in respect of any act done, or failure to act, when carrying out functions under the arrangements;
- (3) Paragraph (d) of sub-paragraph (2) does not apply in relation to—
- (a) detainee custody officers employed as part of the Secretary of State's staff; or
 - (b) an act or omission of a prisoner custody officer so far as it falls to be investigated by a prisoner escort monitor under section 81 of the Criminal Justice Act 1991 or under section 103 or 119 of the Criminal Justice and Public Order Act 1994.

Powers and duties of detainee custody officers

- 2 (1) A detainee custody officer acting in accordance with escort arrangements has power—
- (a) to search (in accordance with rules made by the Secretary of State) any detained person for whose delivery or custody the officer is responsible in accordance with the arrangements; and
 - (b) to search any other person who is in, or is seeking to enter, any place where any such detained person is or is to be held, and any article in the possession of such a person.
- (2) The power conferred by sub-paragraph (1)(b) does not authorise requiring a person to remove any of his clothing other than an outer coat, jacket or glove.
- (3) As respects a detained person for whose delivery or custody he is responsible in accordance with escort arrangements, it is the duty of a detainee custody officer—
- (a) to prevent that person's escape from lawful custody;

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- (b) to prevent, or detect and report on, the commission or attempted commission by him of other unlawful acts;
 - (c) to ensure good order and discipline on his part; and
 - (d) to attend to his wellbeing.
- (4) The Secretary of State may make rules with respect to the performance by detainee custody officers of their duty under sub-paragraph (3)(d).
- (5) The powers conferred by sub-paragraph (1), and the powers arising by virtue of sub-paragraph (3), include power to use reasonable force where necessary.

Breaches of discipline

- 3 (1) Sub-paragraph (2) applies if a detained person for whose delivery or custody a person (“A”) has been responsible in accordance with escort arrangements is delivered to a detention centre.
- (2) The detained person is to be treated, for the purposes of such detention centre rules as relate to disciplinary offences, as if he had been in the custody of the director of the detention centre at all times while A was so responsible.
- (3) Sub-paragraph (4) applies if a detained person for whose delivery or custody a person (“B”) has been responsible in accordance with escort arrangements is delivered to a prison.
- (4) The detained person is to be treated, for the purposes of such prison rules as relate to disciplinary offences, as if he had been in the custody of the governor or controller of the prison at all times while B was so responsible.
- (5) “Director” means—
- (a) in the case of a contracted out detention centre, the person appointed by the Secretary of State in relation to the centre under section 149 or such other person as the Secretary of State may appoint for the purposes of this paragraph;
 - (b) in the case of any other detention centre, the manager of the detention centre.
- (6) This paragraph does not authorise the punishment of a detained person under detention centre rules or prison rules in respect of any act or omission of his for which he has already been punished by a court.
- (7) “Prison rules” means—
- (a) rules made under section 47 of the Prison Act 1952;
 - (b) rules made under section 19 of the Prisons (Scotland) Act 1989;
 - (c) rules made under section 13 of the Prison Act (Northern Ireland) 1953.