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STATUTORY INSTRUMENTS

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**1992 No. 727**

**PRISONS**

**The Criminal Justice Act 1991 (Suspension of Prisoner  
Custody Officer Certificate) Regulations 1992**

<i>Made</i>	- - - -	<i>11th March 1992</i>
<i>Laid before Parliament</i>		<i>13th March 1992</i>
<i>Coming into force</i>	- -	<i>6th April 1992</i>

In exercise of the power conferred upon me by paragraph 3(2) of Schedule 10 to the Criminal Justice Act 1991(1), I hereby make the following Regulations:

1. These Regulations may be cited as the Criminal Justice Act 1991 (Suspension of Prisoner Custody Officer Certificate) Regulations 1992 and shall come into force on 6th April 1992.
2. In these Regulations “the Act of 1991” means the Criminal Justice Act 1991.
3. The prescribed circumstances for the purposes of paragraph 3 of Schedule 10 to the Act of 1991 (suspension of prisoner custody officer certificate by prisoner escort monitor or controller) are
  - (a) where—
    - (i) an allegation has been made against a prisoner custody officer (“the officer”) acting in pursuance of prisoner escort arrangements or performing custodial duties at a prison; or
    - (ii) the officer has been charged with a criminal offence or disciplinary action is being taken against him by the contractor; or
    - (iii) it appears to the prisoner escort monitor or (as the case may be) controller that the officer is, by reason of physical or mental illness, or for any other reason, incapable of satisfactorily carrying out his duties; and
  - (b) the prisoner escort monitor or (as the case may be) controller considers that the suspension of the certificate would be conducive to the maintenance of order or discipline in the prison or (as the case may be) the performance of the functions set out in section 80(1) of the Act of 1991 (arrangements for the provision of prisoner escorts).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Home Office  
11th March 1992

*Kenneth Baker*  
One of Her Majesty's Principal Secretaries of  
State

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Paragraph 3 of Schedule 10 to the Criminal Justice Act 1991 provides that if it appears to a prisoner escort monitor or (as the case may be) controller that a prisoner custody officer is not a fit and proper person to perform escort duties or (as the case may be) custodial duties he may refer the matter to the Secretary of State to decide whether to revoke that officer's certificate and may, in prescribed circumstances, suspend the officer's certificate pending the Secretary of State's decision.

These Regulations prescribe those circumstances which are

- (a) where—
  - (i) an allegation has been made against a prisoner custody officer; or
  - (ii) that officer has been charged with a criminal offence or disciplinary action is being taken against him; or
  - (iii) it appears that he is by reason of physical or mental illness or for any other reason incapable of satisfactorily carrying out his duties; and
- (b) the prisoner escort monitor or (as the case may be) controller considers that suspension of the certificate would be conducive to the performance of the functions set out in section 80(1) of the Act of 1991 (arrangements for the provision of prisoner escorts) or (as the case may be) the maintenance of order or discipline in the prison.