
STATUTORY INSTRUMENTS

1995 No. 3281

ATTENDANCE CENTRES

The Attendance Centre Rules 1995

Made - - - - - *16th December 1995*

Coming into force - - - *30th December 1995*

Whereas a draft of these Rules has been laid before Parliament, a period of forty days (reckoned in accordance with section 7(1) of the Statutory Instruments Act 1946⁽¹⁾) has expired and within that period neither House has resolved that the Rules be not made:

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by section 16(3) of the Criminal Justice Act 1982⁽²⁾, hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Attendance Centre Rules 1995 and shall come into force on the fourteenth day after the day on which they are made.

Revocation

2. The Attendance Centre Rules 1958⁽³⁾, the Attendance Centre (Amendment) Rules 1978⁽⁴⁾ and the Attendance Centre (Amendment) Rules 1983⁽⁵⁾ are hereby revoked.

Interpretation

3. In these Rules, the expression—

“centre” means an attendance centre provided by the Secretary of State under section 16(1) of the Criminal Justice Act 1982;

“member of the staff” means any person for the time being carrying out any instructional or supervisory duties at a centre;

“officer in charge” means the member of the staff for the time being in charge of a centre;

(1) 1946 c. 36.
(2) 1982 c. 48.
(3) S.I.1958/1990.
(4) S.I. 1978/1919.
(5) S.I. 1983/621.

“order” means an order made by a court under section 17 of the Criminal Justice Act 1982⁽⁶⁾, section 15(3)(a) of the Children and Young Persons Act 1969⁽⁷⁾ or Part II of Schedule 2 to the Criminal Justice Act 1991⁽⁸⁾, requiring an offender to attend at a centre.

Occupation and instruction

4.—(1) The occupation and instruction given at a centre shall include a programme of group activities designed to assist offenders to acquire or develop personal responsibility, self-discipline, skills and interests.

(2) A female member of the staff shall, save in exceptional circumstances, always be in attendance at a centre which is available for the reception of female offenders; and female offenders attending at a centre shall, at any time when participating in physical training, so far as practicable be supervised by a female member of the staff.

Officer in charge

5.—(1) The officer in charge shall maintain a record in respect of each person required to attend showing—

- (a) the number of hours specified in the order;
- (b) every attendance or failure to attend;
- (c) the duration of each attendance; and
- (d) the commission by that person of any breach of these Rules and the manner in which it is dealt with.

(2) Subject to the provisions of rules 6(3)(b) and 11(2)(b) of these Rules, it shall be the duty of the officer in charge to ensure that any person attending at the centre who has not completed the period of attendance specified in the order is, before leaving the centre, informed (both orally and in writing) of the day and time when he is next required to attend at the centre, unless in any particular case it is impracticable to give this information.

Attendance

6.—(1) Persons required to attend at a centre shall so attend—

- (a) on the first occasion, at the time specified in the order; and
- (b) on any subsequent occasion, at such time as may be notified to them in accordance with rule 5(2) above, or, if no such notification has been given, at such time as may be notified to them in writing by or on behalf of the officer in charge;

and on attending shall report to, and place themselves under the direction of, the officer in charge.

(2) The occasions of a person’s attendance at a centre and the duration of each attendance shall, so far as practicable and subject to the provisions of rules 11 and 12 of these Rules, be so arranged by the officer in charge that the duration of attendance on any occasion is not less than one hour.

(3) Where a person without reasonable excuse attends at the centre later than the time at which he was required to attend, the officer in charge may refuse to admit him; in such a case the person shall be regarded as having failed to attend on that occasion and shall either—

- (a) be instructed in accordance with rule 5(2) above as to his further attendance at the centre; or

⁽⁶⁾ Section 17 was amended by the Criminal Justice Act 1991 (c. 53), section 67(1) and Schedule 11, paragraph 34.

⁽⁷⁾ 1969 c. 54; section 15 is as substituted by Schedule 7 to the Criminal Justice Act 1991.

⁽⁸⁾ 1991 c. 53.

- (b) be informed (both orally and in writing) that he is not required to attend at the centre again and that it is intended in respect of the failure to attend at the required time to take steps to bring him before a court under section 19(1) of the Criminal Justice Act 1982(9).

Admission to centre

7. No person, other than a person on an occasion when he is required to attend in pursuance of an order, shall be admitted to, or remain in, a centre except with the permission of the Secretary of State or the officer in charge.

Unfitness for attendance

8.—(1) The officer in charge may at any time require a person attending at the centre to leave it if, in the opinion of that officer, that person is—

- (a) so unwell as to be unfit to remain at the centre on that occasion; or
- (b) suffering from any infectious disease or otherwise in a condition likely to be detrimental to other persons attending at the centre.

(2) Where a person is so required to leave, he shall be instructed in accordance with rule 5(2) above as to his further attendance at the centre.

Discipline

9. The discipline of a centre shall be maintained by the personal influence of the officer in charge and other members of the staff.

10. Persons shall while attending at a centre behave in an orderly manner and shall obey any instruction given by the officer in charge or any other member of the staff.

11.—(1) The officer in charge may at any time require any person committing a breach of these Rules to leave the centre.

- (2) Where a person is so required to leave, he shall either—
 - (a) be instructed in accordance with rule 5(2) above as to his further attendance at the centre; or
 - (b) be informed (both orally and in writing) that he is not required to attend at the centre again and that it is intended in respect of the said breach to take steps to bring him before a court under section 19(1) of the Criminal Justice Act 1982.

12. Without prejudice to rule 11 above, where a person is required to leave the centre in accordance with rule 8(1) or 11(1) above, the officer in charge shall not count towards the duration of his attendance on that occasion the period following the requirement to leave.

13. Without prejudice to rules 6(3), 11 and 12 above, the officer in charge or any other member of the staff may deal with a person committing a breach of these Rules in either or both of the following ways, that is to say—

- (a) by separating him from other persons attending at the centre;
- (b) by giving him an alternative form of occupation;

during the whole or any part of the period of attendance specified in the order then remaining uncompleted.

(9) 1982 c. 48; section 19 was amended by the Criminal Justice Act 1991 (c. 53), section 67(4), (5) and (6) and by the Criminal Justice and Public Order Act 1994 (c. 33), Schedule 9, paragraph 21.

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

Home Office
16th December 1995

David Maclean
Minister of State

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EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules consolidate with modifications the Rules mentioned in rule 2. The modifications are principally a re-formulation of the regime for attendance centres, in rule 4(1), and fresh powers to deal with offenders who arrive late or are required to leave because of misconduct, in rules 6(3) and 12. There are also minor drafting changes.