

Status: Point in time view as at 01/10/2009.

Changes to legislation: Criminal Justice and Public Order Act 1994, SCHEDULE 1 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 1

Section 12.

ESCORT ARRANGEMENTS: ENGLAND AND WALES

Arrangements for the escort of ^{F1}persons detained in youth detention accommodation]

Textual Amendments

F1 Words in Sch. 1 para. 1 heading substituted (1.11.2007) by Offender Management Act 2007 (c. 21), ss. 35(2), 41(1); S.I. 2007/3001, art. 2(1)(l)

- 1 (1) The Secretary of State may make arrangements for any of the following functions, namely—
- (a) the delivery of ^{F2}detained persons] from one set of relevant premises to another;
 - (b) the custody of ^{F2}detained persons] held on the premises of any court (whether or not they would otherwise be in the custody of the court) and their production before the court;
 - ^{F3}(c) the custody of detained persons temporarily held in youth detention accommodation in the course of delivery from one such place of accommodation to another; and
 - (d) the custody of detained persons while they are outside a place of youth detention accommodation for temporary purposes,]
- to be performed in such cases as may be determined by or under the arrangements by custody officers who are authorised to perform such functions.
- (2) In sub-paragraph (1)(a) above, “relevant premises” means ^{F4}a place of youth detention accommodation or a court] , police station or hospital.
- (3) Arrangements made by the Secretary of State under sub-paragraph (1) above (“escort arrangements”) may include entering into contracts with other persons for the provision by them of custody officers.
- (4) Any person who, under a warrant or a hospital order or hospital remand is responsible for the performance of any such function as is mentioned in sub-paragraph (1) above shall be deemed to have complied with the warrant, order or remand if he does all that he reasonably can to secure that the function is performed by a custody officer acting in pursuance of escort arrangements.
- (5) In this paragraph—
- “hospital” has the same meaning as in the ^{M1}Mental Health Act 1983;
 - “hospital order” means an order for a person’s admission to hospital made under section 37, 38 or 44 of that Act, section 5 of the ^{M2}Criminal Procedure (Insanity) Act 1964 or section 6, 14 or 14A of the ^{M3}Criminal Appeal Act 1968;
 - “hospital remand” means a remand of a person to hospital under section 35 or 36 of the Mental Health Act 1983;
 - “warrant” means a warrant of commitment, a warrant of arrest or a warrant under section 46, 47, 48, 50 or 74 of that Act.

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Textual Amendments

- F2** Words in Sch. 1 para. 1(1)(a)(b) substituted (1.11.2007) by [Offender Management Act 2007 \(c. 21\)](#), [ss. 35\(3\)\(a\)](#), 41(1); S.I. 2007/3001, [art. 2\(1\)\(l\)](#)
- F3** Sch. 1 para. 1(1)(d)(c) substituted (1.11.2007) by [Offender Management Act 2007 \(c. 21\)](#), [ss. 35\(3\)\(a\)](#), 41(1); S.I. 2007/3001, [art. 2\(1\)\(l\)](#)
- F4** Words in Sch. 1 para. 1(2) substituted (1.11.2007) by [Offender Management Act 2007 \(c. 21\)](#), [ss. 35\(3\)\(b\)](#), 41(1); S.I. 2007/3001, [art. 2\(1\)\(l\)](#)

Modifications etc. (not altering text)

- C1** Sch. 1 para. 1: Transfer of functions (20.4.2000) by S.I. 2000/1160, [art. 4\(1\)\(2\)\(j\)](#)

Marginal Citations

- M1** 1983 c. 20.
M2 1964 c. 84.
M3 1968 c. 19.

Monitoring etc. of escort arrangements

- 2 (1) Escort arrangements shall include the appointment of—
- (a) an escort monitor, that is to say, a Crown servant whose duty it shall be to keep the arrangements under review and to report on them to the Secretary of State; and
 - (b) a panel of lay observers whose duty it shall be to inspect the conditions in which [^{F5}detained persons] are transported or held in pursuance of the arrangements and to make recommendations to the Secretary of State.
- (2) It shall also be the duty of an escort monitor to investigate and report to the Secretary of State on any allegations made against custody officers acting in pursuance of escort arrangements.
- (3) Any expenses incurred by members of lay panels may be defrayed by the Secretary of State to such extent as he may with the approval of the Treasury determine.

Textual Amendments

- F5** Words in Sch. 1 para. 2(1)(b) substituted (1.11.2007) by [Offender Management Act 2007 \(c. 21\)](#), [ss. 39](#), 41(1), [Sch. 3 para. 25](#); S.I. 2007/3001, [art. 2\(1\)\(r\)](#)

Modifications etc. (not altering text)

- C2** Sch. 1 para. 2(1)(a)(2): Transfer of functions (20.4.2000) by S.I. 2000/1160, [art. 4\(1\)\(2\)\(k\)\(iv\)](#)

Powers and duties of custody officers acting in pursuance of escort arrangements

- 3 (1) A custody officer acting in pursuance of escort arrangements shall have the following powers, namely—
- (a) to search in accordance with rules made by the Secretary of State any [^{F6}detained person] for whose delivery or custody he is responsible in pursuance of the arrangements; and

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- (b) to search any other person who is in or is seeking to enter any place where any such [^{F6}detained person] is or is to be held, and any article in the possession of such a person.
- (2) The powers conferred by sub-paragraph (1)(b) above to search a person shall not be construed as authorising a custody officer to require a person to remove any of his clothing other than an outer coat, headgear, jacket or gloves.
- (3) A custody officer shall have the following duties as respects [^{F7}detained persons] for whose delivery or custody he is responsible in pursuance of escort arrangements, namely—
 - (a) to prevent their escape from lawful custody;
 - (b) to prevent, or detect and report on, the commission or attempted commission by them of other unlawful acts;
 - (c) to ensure good order and discipline on their part;
 - (d) to attend to their wellbeing; and
 - (e) to give effect to any directions as to their treatment which are given by a court,and the Secretary of State may make rules with respect to the performance by custody officers of their duty under (d) above.
- (4) The powers conferred by sub-paragraph (1) above, and the powers arising by virtue of sub-paragraph (3) above, shall include power to use reasonable force where necessary.
- (5) The power to make rules 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.

Textual Amendments

- F6** Words in Sch. 1 para. 3(1)(a)(b) substituted (1.11.2007) by Offender Management Act 2007 (c. 21), ss. 39, 41(1), Sch. 3 para. 26(a); S.I. 2007/3001, art. 2(1)(r)
- F7** Words in Sch. 1 para. 3(3) substituted (1.11.2007) by Offender Management Act 2007 (c. 21), ss. 39, 41(1), Sch. 3 para. 26(b); S.I. 2007/3001, art. 2(1)(r)

Interpretation

4 In this Schedule—

[^{F8}“detained person” means a person remanded or committed to accommodation which is youth detention accommodation or detained in any such accommodation pursuant to a sentence or order requiring the person to be detained;]

“escort arrangements” has the meaning given by paragraph 1 above; ^{F9} . . .

^{F10}
^{F10}

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Textual Amendments

- F8** Sch. 1 para. 4: definition of "detained person" inserted (1.11.2007) by [Offender Management Act 2007 \(c. 21\)](#), [ss. 35\(4\)\(a\)](#), 41(1); S.I. 2007/3001, [art. 2\(1\)\(l\)](#)
- F9** Word in Sch. 1 para. 4 repealed (1.11.2007) by [Offender Management Act 2007 \(c. 21\)](#), ss. 39, 41(1), {Sch. 5 Pt. 3}; S.I. 2007/3001, [art. 2\(1\)\(u\)\(i\)](#)
- F10** Sch. 1 para. 4: the definitions of "offender" and "secure training centre" repealed (1.11.2007) by [Offender Management Act 2007 \(c. 21\)](#), ss. 35(4)(b), 39, 41(1), {Sch. 5 Pt. 3}; S.I. 2007/3001, [art. 2\(1\)\(u\)\(i\)](#)

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