

*Status: Point in time view as at 01/01/2010.*

*Changes to legislation: Criminal Justice and Public Order Act 1994, SCHEDULE 2 is up to date with all changes known to be in force on or before 19 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 2

Section 12.

### CERTIFICATION OF CUSTODY OFFICERS: ENGLAND AND WALES

#### *Preliminary*

- 1 In this Schedule—
- “certificate” means a certificate under section 12(3) 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.

#### **Modifications etc. (not altering text)**

**C1** Sch. 2 para. 2: Transfer of functions (20.4.2000) by S.I. 2000/1160, art. 4(1)(2)(k)(ii)

#### *Suspension of certificate*

- 3 (1) This paragraph applies where at any time—
- (a) in the case of a custody officer acting in pursuance of escort arrangements, it appears to the escort monitor that the officer is not a fit and proper person to perform escort functions;
  - (b) in the case of a custody officer performing custodial duties at a contracted out secure training centre, it appears to the [<sup>F1</sup>monitor] of the secure training centre that the officer is not a fit and proper person to perform custodial duties; or
  - (c) in the case of a custody officer performing contracted out functions at a directly managed secure training centre, it appears to the [<sup>F1</sup>governor] of that secure training centre that the officer is not a fit and proper person to perform custodial duties.
- (2) The escort monitor [<sup>F2</sup>, monitor or governor] may—
- (a) refer the matter to the Secretary of State for a decision under paragraph 4 below; and

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- (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 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.

#### Textual Amendments

- F1** Words in [Sch. 2 para. 3\(1\)\(b\)\(c\)](#) substituted (30.9.1998) by [1998 c. 37, s. 119, Sch. 8 para. 113\(1\)\(a\)\(b\)](#) (with [Sch. 9](#)); [S.I. 1998/2327, art. 2](#)
- F2** Words in [Sch. 2 para. 3\(2\)](#) substituted (30.9.1998) by [1998 c. 37, s. 119, Sch. 8 para. 113\(2\)](#) (with [Sch. 9](#)); [S.I. 1998/2327, art. 2](#)

#### Modifications etc. (not altering text)

- C2** [Sch. 2 para. 3\(2\)\(a\)](#): Transfer of functions (20.4.2000) by [S.I. 2000/1160, art. 4\(1\)\(2\)\(k\)\(ii\)](#)

#### *Revocation of certificate*

- 4 Where at any time it appears to the Secretary of State that a 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.

#### Modifications etc. (not altering text)

- C3** [Sch. 2 para. 4](#): Transfer of functions (20.4.2000) by [S.I. 2000/1160, art. 4\(1\)\(2\)\(k\)\(ii\)](#)

#### *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.

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