

Changes to legislation: Criminal Justice and Public Order Act 1994, Paragraph 3 is up to date with all changes known to be in force on or before 19 July 2023. 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) [View outstanding changes](#)

SCHEDULE 2

CERTIFICATION OF CUSTODY OFFICERS: ENGLAND AND WALES

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 [^{F1}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 [^{F1}governor] of that secure training centre that the officer is not a fit and proper person to perform custodial duties.
- (2) The escort monitor [^{F2}, monitor or governor] may—
- (a) refer the matter to the Secretary of State for a decision under paragraph 4 below; and
 - (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)

- C1** Sch. 2 para. 3(2)(a): Transfer of functions (20.4.2000) by **S.I. 2000/1160, art. 4(1)(2)(k)(ii)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 51(10)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)