

**Changes to legislation:** Criminal Justice and Public Order Act 1994, SCHEDULE 6 is up to date with all changes known to be in force on or before 24 December 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 6

Section 114.

### CERTIFICATION OF PRISONER CUSTODY OFFICERS: SCOTLAND

#### *Preliminary*

1 In this Schedule—

“certificate” means a certificate under section 114 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) The Secretary of State may, on the application of any person, issue a certificate in respect of that person.
- (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.

#### *Suspension of certificate*

- 3 (1) This paragraph applies where at any time—
- (a) in the case of a prisoner custody officer acting in pursuance of prisoner escort arrangements, it appears to the prisoner escort monitor for the area concerned that the officer is not a fit and proper person to perform escort functions;
  - (b) in the case of a prisoner custody officer performing custodial duties at a contracted out prison, it appears to the controller of that prison that the officer is not a fit and proper person to perform custodial duties; or
  - (c) in the case of a prisoner custody officer performing contracted out functions at a directly managed prison, it appears to the governor of that prison that the officer is not a fit and proper person to perform custodial duties.
- (2) The prisoner escort monitor, controller 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 prison rules, 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.

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#### *Revocation of certificate*

- 4       Where at any time (whether on a reference to him under paragraph 3(2)(a) above or otherwise) it appears to the Secretary of State that a prisoner 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.

#### *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 guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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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\(3\)](#)