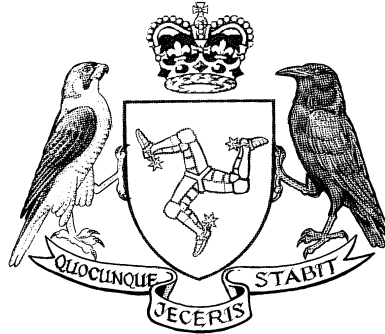


PRISONER ESCORTS ACT 2008

Arrangement of Sections

Section

1. Arrangements for the provision of prisoner escorts
2. Monitoring etc. of prisoner escort arrangements
3. Powers and duties of prisoner custody officers acting in pursuance of such arrangements
4. Breaches of discipline by prisoners under escort
5. Certification of prisoner custody officers
6. Protection of prisoner custody officers
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Isle of Man } Signed in Tynwald: 19th February 2008
 to Wit } Received Royal Assent: 19th February 2008
 Announced to Tynwald: 20th February 2008

AN ACT

to make new provision relating
 to prisoner escorts and for
 connected purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty, by
 and with the advice and consent of the Council and Keys in
 Tynwald assembled, and by the authority of the same, as follows:—

1. (1) The Department of Home Affairs (“the Department”) may make arrangements for any of the following functions, namely —

Arrangements
 for the
 provision of
 prisoner escorts

- (a) the delivery of prisoners from one set of relevant premises to another;
- (b) the custody of prisoners 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;
- (c) the custody of prisoners temporarily held in a set of relevant premises in the course of delivery from one set of relevant premises to another; and
- (d) the custody of prisoners while they are outside a set of relevant premises for temporary purposes,

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to be performed in such cases as may be determined by or under the arrangements by prisoner custody officers who are authorised to perform such functions.

(2) For the purposes of paragraphs (a) and (c) of subsection (1), one (but not both or all) of the sets of premises mentioned may be situated in a part of the British Islands outside the Island.

(3) In subsection (1) “relevant premises” means —

(a) a court, prison, police station, hospital or other premises which are designated under section 11(2) of the Custody Act 1995;

[c.1]

(b) in the case of premises which—

(i) are situated in a part of the British Islands outside the Island; and

(ii) relate to a function specified in paragraphs (a) or (c) of subsection (1),

premises which the Department considers it would have designated under section 11(2) of the Custody Act 1995 had those premises been situated in the Island.

(4) Arrangements made by the Department under this section (“prisoner escort arrangements”) may include entering into contracts with other persons for the provision by them of prisoner custody officers.

(5) Any person who, under a warrant or a hospital order or remand, is responsible for the performance of any function mentioned in subsection (1) shall be deemed to have complied with the warrant, order or remand if that person does all that is reasonable to secure that the function is performed by a prisoner custody officer acting in pursuance of prisoner escort arrangements.

(6) In this section —

“hospital” has the same meaning as in the Mental Health Act 1998;

[c.3]

“hospital order” has the same meaning as in that Act and includes an interim hospital order;

“hospital remand” means a remand of a person to hospital under paragraph 1 of Schedule 2A to the Summary Jurisdiction Act 1989 or Schedule 1A to the Criminal Jurisdiction Act 1993;

[c.15]

[c.9]

“warrant” means a warrant or direction under section 53, 54, 57 or 82 of the Mental Health Act 1998 or under section 54C(3)(a) of the Criminal Jurisdiction Act 1993.

Monitoring
etc. of
prisoner
escort
arrangements

2. (1) The Independent Monitoring Board shall —

- (a) keep prisoner escort arrangements under review and report on them to the Department; and
 - (b) inspect the conditions in which prisoners are transported or held in pursuance of such arrangements and make recommendations to the Department.
- (2) It shall also be the duty of the Independent Monitoring Board to investigate and report to the Department on —
- (a) any allegations made against prisoner custody officers acting in pursuance of prisoner escort arrangements; and
 - (b) any alleged breaches of discipline on the part of prisoners for whose delivery or custody such officers so acting are responsible.
- (3) Any expenses incurred by the Independent Monitoring Board and its members may be defrayed by the Department to such extent as it may with the approval of the Treasury determine.
- (4) In this section “Independent Monitoring Board” has the same meaning as in sections 17 and 18 of the Custody Act 1995. [c.1]

3. (1) A prisoner custody officer acting in pursuance of prisoner escort arrangements shall have the following powers, namely —

Powers and duties of prisoner custody officers acting in pursuance of such arrangements
P1991/53/82

- (a) to search in accordance with rules made by the Department any prisoner for whose delivery or custody the prisoner custody officer is responsible in pursuance of the arrangements; and
 - (b) to search any other person who is in or is seeking to enter any place where any such prisoner is or is to be held, and any article in the possession of such a person.
- (2) The powers conferred by subsection (1)(b) to search a person shall not be construed as authorising a prisoner custody officer to require a person to remove any of that person’s clothing other than an outer coat, jacket or gloves.
- (3) A prisoner custody officer shall have the following duties as respects prisoners for whose delivery or custody the prisoner custody officer is responsible in pursuance of prisoner 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 Department may make rules with respect to the performance by prisoner custody officers of their duty under paragraph (d).

(4) Where a prisoner custody officer acting in pursuance of prisoner escort arrangements is on any premises in which a court is sitting, it shall be the duty of that officer to give effect to any order of that court —

- (a) in the case of the Court of General Gaol Delivery, to search the prisoner; or
- (b) in the case of a court of summary jurisdiction, under section 99 of the Summary Jurisdiction Act 1989 (application of money found on defaulter).

(5) The powers conferred by subsection (1), and the powers arising by virtue of subsections (3) and (4), shall include power to use reasonable force where necessary.

(6) Rules under this section shall be laid before Tynwald.

Breaches of discipline by prisoners under escort

P1991/53/83

4. (1) This section applies where a prisoner for whose delivery or custody a prisoner custody officer has been responsible in pursuance of prisoner escort arrangements is delivered to a prison.

(2) For the purposes of such custody rules as relate to disciplinary offences, the prisoner shall be deemed to have been in the custody of the governor of the prison at all times during the period for which the prisoner custody officer was so responsible.

(3) In the case of any breach by the prisoner at any time during that period of such custody rules as so relate, a disciplinary charge may be laid against the prisoner by the prisoner custody officer.

(4) Nothing in this section shall enable a prisoner to be punished under custody rules for any act or omission for which the prisoner has already been punished by a court.

5. (1) In this Act “prisoner custody officer” means a person in respect of whom a certificate is for the time being in force certifying —

Certification
of prisoner
custody
officers

(a) that the person has been approved by the Department for the purpose of performing escort functions; and

P1991/53/89

(b) that the person is accordingly authorised to perform them.

(2) In this section, “escort functions” means the functions specified in section 1.

6. (1) Any person who assaults a prisoner custody officer acting in pursuance of prisoner escort arrangements shall be liable on summary conviction to a fine not exceeding £5,000 or to custody for a term not exceeding 6 months or to both.

Protection
of prisoner
custody
officers

P1991/53/90

(2) Any person who resists or wilfully obstructs a prisoner custody officer acting in pursuance of prisoner escort arrangements shall be liable on summary conviction to a fine not exceeding £1,000.

(3) For the purposes of this section, a prisoner custody officer shall not be regarded as acting in pursuance of prisoner escort arrangements at any time when the officer is not readily identifiable as such an officer (whether by means of a uniform or badge which the officer is wearing or otherwise).

7. (1) A person who is or has been employed (whether as a prisoner custody officer or otherwise) in pursuance of prisoner escort arrangements shall be guilty of an offence if that person discloses, otherwise than in the course of duty or as authorised by the Department, any information which that person acquired in the course of employment and which relates to a particular prisoner.

Wrongful
disclosure of
information

P1991/53/91

(2) A person guilty of an offence under subsection (1) shall be liable —

(a) on conviction on information, to custody for a term not exceeding 2 years or a fine or both;

(b) on summary conviction, to custody for a term not exceeding 6 months or a fine not exceeding £5,000 or both.

8. In this Act —

Interpretation

P1991/53/92

[c.1]

“custody rules” means rules made under section 16 of the Custody Act 1995;

“prisoner” means any person for the time being detained in legal custody as a result of a requirement imposed by a court or otherwise that the person be so detained;

“prisoner custody officer” has the meaning given by section 5(1);

“prisoner escort arrangements” has the meaning given by section 1(4).

Short title and commencement

9. (1) This Act may be cited as the Prisoner Escorts Act 2008.

(2) This Act shall come into operation on such day as the Department may by order appoint and different days may be so appointed for different provisions and for different purposes.