



Statutory Document No. 156/05

## **CRIMINAL JUSTICE ACT 2001**

### **THE ATTENDANCE CENTRE RULES 2005**

*Approved by Tynwald on 20<sup>th</sup> April 2005  
Coming into operation on 1<sup>st</sup> May 2005*

In exercise of the powers conferred on the Department of Home Affairs by paragraph 1(3) of Schedule 7 to the Criminal Justice Act 2001<sup>1</sup>, and of all other enabling powers, the following Rules are hereby made:-

#### **Citation and commencement**

1. These Rules may be cited as the Attendance Centre Rules 2005 and, subject to paragraph 1(5) of Schedule 7 to the Act, shall come into force on 1st May 2005.

#### **Interpretation**

2. In these Rules, the expression –

“the Act” means the Criminal Justice Act 2001;

“centre” means an attendance centre provided by the Department of Home Affairs under paragraph 1(3) of Schedule 7 to the Act;

“member of the staff” means any person for the time being carrying out any instructional or supervisory duties at a centre;

“officer in charge” means the member of the staff for the time being in charge of a centre;

“order” means an attendance centre order made by a court under paragraph 2 of Schedule 7 to the Act requiring an offender to attend at a centre.

#### **Occupation and Instruction**

3. (1) The occupation and instruction given at a centre shall include a programme of group activities designed to assist offenders to acquire or develop personal responsibility, self-discipline, skills and interests.

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<sup>1</sup> 2001 c. 4

(2) A female member of the staff shall, save in exceptional circumstances, always be in attendance at a centre which is available for the reception of female offenders; and female offenders attending at a centre shall, at any time when participating in physical training, so far as practicable be supervised by a female member of staff.

### **Officer in charge**

4. (1) The officer in charge shall maintain a record in respect of each person required to attend showing—

- (a) the number of hours specified in the order;
- (b) every attendance or failure to attend;
- (c) the duration of each attendance; and
- (d) the commission by that person of any breach of these Rules and the manner in which it is dealt with.

(2) Subject to the provisions of rules 5(3)(b) and 10(2)(b) of these Rules, it shall be the duty of the officer in charge to ensure that any person attending at the centre who has not completed the period of attendance specified in the order is, before leaving the centre, informed (both orally and in writing) of the day and time when he is next required to attend the centre, unless in any particular case it is impracticable to give this information.

### **Attendance**

5. (1) Persons required to attend at a centre shall so attend -

- (a) on the first occasion, at the time specified in the order; and
- (b) on any subsequent occasion, at such time as may be notified to them in accordance with rule 4(2), or, if not such notification has been given, at such time as may be notified to them in writing by or on behalf of the officer in charge;

and on attending shall report to, and place themselves under the direction of, the officer in charge.

(2) The occasions of a person's attendance at a centre and the duration of each attendance shall, so far as practicable and subject to the provisions of rules 10 and 11, be so arranged by the officer in charge that the duration of attendance on any occasion is not less than one hour.

(3) Where a person without reasonable excuse attends at the centre later than the time at which he was required to attend, the officer in charge may refuse to admit him; in such a case the person shall be regarded as having failed to attend on that occasion and shall either—

- (a) be instructed in accordance with rule 4(2) as to his further attendance at the centre; or
- (b) be informed (both orally and in writing) that he is not required to attend at the centre again and that it is intended in respect of the failure to attend at the required time to take steps to bring him before a court under paragraph 4 of Schedule 7 to the Act.

## **Admission to centre**

6. No person, other than a person on an occasion when he is required to attend in pursuance of an order, shall be admitted to, or remain in, the centre except with the permission of the Department of Home Affairs or the officer in charge.

## **Unfitness for attendance**

7. (1) The officer in charge may at any time require a person attending at the centre to leave it if, in the opinion of that officer, that person is—

- (a) so unwell as to be unfit to remain at the centre on that occasion; or
- (b) suffering from any infectious disease or otherwise in a condition likely to be detrimental to other persons attending at the centre.

(2) Where a person is so required to leave, he shall be instructed in accordance with rule 4(2) as to his further attendance at the centre.

## **Discipline**

8. The discipline of a centre shall be maintained by the personal influence of the officer in charge and other members of the staff.

9. Persons shall while attending at a centre behave in an orderly manner and shall obey any instructions given by the officer in charge or any other member of the staff.

10. (1) The officer in charge may at any time require any person committing a breach of these Rules to leave the centre.

(2) Where a person is so required to leave, he shall either—

- (a) be instructed in accordance with rule 4(2) as to his further attendance at the centre; or
- (b) be informed (both orally and in writing) that he is not required to attend at the centre again and that it is intended in respect of the said breach to take steps to bring him before a court under paragraph 4 of Schedule 7 to the Act.

11. Without prejudice to rule 10, where a person is required to leave the centre in accordance with rule 7(1) or 10(1), the officer in charge shall not count towards the duration of his attendance on that occasion the period following the requirement to leave.

12. Without prejudice to rules 5(3), 10 and 11, the officer in charge or any other member of the staff may deal with a person committing a breach of these Rules in either or both of the following ways, that is to say—

- (a) by separating him from other persons attending at the centre;
- (b) by giving him an alternative form of occupation;

during the whole or any part of the period of attendance specified in the order then remaining uncompleted.

Made 10<sup>th</sup> MARCH 2005



Minister for Home Affairs

**EXPLANATORY NOTE**  
*(This note is not part of the Order)*

Under paragraph 1(1) of Schedule 7 to the Criminal Justice Act 2001, the Department of Home Affairs may provide attendance centres. An attendance centre under these Rules is a place at which offenders may be required to attend and be given under supervision appropriate occupation or instruction in pursuance of an attendance centre order. Where a person is convicted by or before a court of an offence punishable with custody the court may, if it has been notified by the Department that an attendance centre is available for the reception of persons of his description, order him to attend at such a centre.

These Rules provide for the regulation and management of such attendance centres.