



Australian Capital Territory

Custodial Escorts Act 1998 No 66

Republication No 1

Republication date: 18 February 2002

Last amendment made by Act 2001 No 82

Amendments incorporated to 24 September 2001

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Custodial Escorts Act 1998* as in force on 18 February 2002. It includes any amendment, repeal or expiry affecting the republished law to 24 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

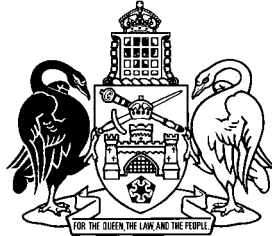
If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to
24 September 2001



Australian Capital Territory

Custodial Escorts Act 1998

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Amendments incorporated to
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Australian Capital Territory

Custodial Escorts Act 1998

An Act relating to the escort of persons in lawful custody

1 Short title

This Act may be cited as the *Custodial Escorts Act 1998*.

3 Definitions for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

administrator means the administrator under the *Remand Centres Act 1976*.

arrested person means—

- (a) a person who—
 - (i) has been arrested by a police officer, whether under a warrant or otherwise; or
 - (ii) is in the custody of a police officer after being arrested by another person for an offence; or
- (b) a person who has been arrested or apprehended under a warrant, direction or order to secure the person's attendance at a court.

chief police officer means the police officer responsible for the day-to-day administration and control of police services in the ACT.

court includes—

- (a) a judge or magistrate; and
- (b) the sentence administration board established under the *Rehabilitation of Offenders (Interim) Act 2001*; and
- (c) any other entity having power to compel the attendance of witnesses.

custodial officer means a custodial officer under the *Remand Centres Act 1976*.

escort means a person appointed under section 4.

4 Escorts—appointment

- (1) The administrator may, in writing, appoint a person to be an escort.
- (2) The administrator shall not appoint a police officer to be an escort without the approval of the chief police officer.

5 Escorting arrested persons to court

- (1) This section applies where an arrested person—
 - (a) has not been released on bail; and
 - (b) is in police custody; and
 - (c) is required by law to be brought before a court.
- (2) A police officer may give custody of the person to an escort for the purpose of bringing the person before the court in accordance with subsection (3).
- (3) An escort shall, where he or she is given custody of a person under subsection (2), bring the person before the court as soon as practicable and, for that purpose may, in particular, detain the person in custody until the court orders otherwise.
- (4) Without limiting the operation of subsection (3), the places in which the person may be so detained in custody include a cell, lockup and any other secure place.

6 Custody etc during proceedings

Subject to any order or direction of a court, an escort who brings a person to court shall, so far as practicable—

- (a) ensure the safe custody and welfare of the person for the purposes of the proceedings; and
- (b) ensure that the person does not obstruct or hinder the proceedings.

7 Execution of warrants of remand or commitment etc

- (1) The administrator may make escorts available to attend on a court—
 - (a) to take custody of a person; or
 - (b) to detain a person in custody; or
 - (c) to transfer or otherwise deal with a person;in accordance with any order or direction of the court.
- (2) An order or direction of the court addressed to all escorts—
 - (a) shall be taken to be directed to each escort; and
 - (b) may be executed by any escort.

8 Functions and powers under other laws

- (1) The functions and powers of an escort under this Act are in addition to those provided for by or under any other Territory law.
- (2) Nothing in this Act shall be taken to limit the powers of a police officer, or custodial officer, who is also an escort.

9 Use of force

An escort may use such force as is necessary and reasonable to perform any lawful function of an escort.

10 Personal searches

- (1) The regulations may make provision in relation to the search of a person in custody by an escort, including provision in relation to—
 - (a) the nature of the search; and
 - (b) the class or classes of escorts who may conduct the search; and
 - (c) the circumstances in which the search may be conducted; and
 - (d) the seizure of a thing found in the search; and

(e) the arrangements for safekeeping and disposal of a thing so seized.

(2) In subsection (1):

search includes a frisk search, ordinary search and strip search within the meaning of the *Crimes Act 1900*, part 10.

11 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnotes.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
num = numbered	sdiv = subdivision
No = number	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced

3 Legislation history

Custodial Escorts Act 1998 No 66

notified 23 December 1998 (Gaz 1998 No S212)
s 1, s 2 commenced 23 December 1998 (s 2 (1))
remainder commenced 23 December 1998 (s 2 (2) and Gaz 1998 No 51)

Legislation (Consequential Amendments) Act 2001 No 44 pt 96

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 96 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

Rehabilitation of Offenders (Interim) Act 2001 No 82 sch 1 pt 1.1

notified 10 September 2001 (Gaz 2001 No S66)
s 1, s 2 commenced 10 September 2001 (IA s 10B)
sch 1 pt 1.1 commenced 24 September 2001 (s 2 and CN 2001 No 4)

4 Amendment history

Commencement

s 2 om 2001 No 44 amdt 1.1018

Definitions for Act

s 3 def *arrested person* am 2001 No 82 amdt 1.1
def *court* sub 2001 No 82 amdt 1.2

Regulation-making power

s 11 sub 2001 No 44 amdt 1.1019

Authorised by the ACT Parliamentary Counsel—also accessible at
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