



# Immigration and Asylum Act 1999

## 1999 CHAPTER 33

### PART VIII

#### DETENTION CENTRES AND DETAINED PERSONS

##### *Custody and movement of detained persons*

#### **154 Detainee custody officers**

- (1) On an application made to him under this section, the Secretary of State may certify that the applicant—
  - (a) is authorised to perform escort functions; or
  - (b) is authorised to perform both escort functions and custodial functions.
- (2) The Secretary of State may not issue a certificate of authorisation unless he is satisfied that the applicant—
  - (a) is a fit and proper person to perform the functions to be authorised; and
  - (b) has received training to such standard as the Secretary of State considers appropriate for the performance of those functions.
- (3) A certificate of authorisation continues in force until such date, or the occurrence of such event, as may be specified in the certificate but may be suspended or revoked under paragraph 7 of Schedule 11.
- (4) A certificate which authorises the performance of both escort functions and custodial functions may specify one date or event for one of those functions and a different date or event for the other.
- (5) If the Secretary of State considers that it is necessary for the functions of detainee custody officers to be conferred on prison officers or prisoner custody officers, he may make arrangements for that purpose.
- (6) A prison officer acting under arrangements made under subsection (5) has all the powers, authority, protection and privileges of a constable.

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*Status: This is the original version (as it was originally enacted).*

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(7) Schedule 11 makes further provision about detainee custody officers.

### **155 Custodial functions and discipline etc. at detention centres**

- (1) Custodial functions may be discharged at a detention centre only by—
- (a) a detainee custody officer authorised, in accordance with section 154(1), to perform such functions; or
  - (b) a prison officer, or a certified prisoner custody officer, exercising functions in relation to the detention centre—
    - (i) in accordance with arrangements made under section 154(5); or
    - (ii) as a result of a contract entered into under section 150(1)(b).
- (2) Schedule 12 makes provision with respect to discipline and other matters at detention centres and short-term holding facilities.

### **156 Arrangements for the provision of escorts and custody**

- (1) The Secretary of State may make arrangements for—
- (a) the delivery of detained persons to premises in which they may lawfully be detained;
  - (b) the delivery of persons from any such premises for the purposes of their removal from the United Kingdom in accordance with directions given under the 1971 Act or this Act;
  - (c) the custody of detained persons who are temporarily outside such premises;
  - (d) the custody of detained persons held on the premises of any court.
- (2) Escort arrangements may provide for functions under the arrangements to be performed, in such cases as may be determined by or under the arrangements, by detainee custody officers.
- (3) “Court” includes—
- (a) adjudicators;
  - (b) the Immigration Appeal Tribunal;
  - (c) the Commission.
- (4) Escort arrangements may include entering into contracts with other persons for the provision by them of—
- (a) detainee custody officers; or
  - (b) prisoner custody officers who are certified under section 89 of the Criminal Justice Act 1991, or section 114 or 122 of the Criminal Justice and Public Order Act 1994, to perform escort functions.
- (5) Schedule 13 makes further provision about escort arrangements.
- (6) A person responsible for performing a function of a kind mentioned in subsection (1), in accordance with a transfer direction, complies with the direction if he does all that he reasonably can to secure that the function is performed by a person acting in accordance with escort arrangements.
- (7) “Transfer direction” means a transfer direction given under—

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- (a) section 48 of the Mental Health Act 1983 or section 71 of the Mental Health (Scotland) Act 1984 (removal to hospital of, among others, persons detained under the 1971 Act); or
- (b) in Northern Ireland, article 54 of the Mental Health (Northern Ireland) Order 1986 (provision corresponding to section 48 of the 1983 Act).

#### **157 Short-term holding facilities**

- (1) The Secretary of State may by regulations extend any provision made by or under this Part in relation to detention centres (other than one mentioned in subsection (2)) to short-term holding facilities.
- (2) Subsection (1) does not apply to section 150.
- (3) The Secretary of State may make rules for the regulation and management of short-term holding facilities.