

Changes to legislation: Immigration and Asylum Act 1999, SCHEDULE 12 is up to date with all changes known to be in force on or before 16 April 2024. 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

SCHEDULES

SCHEDULE 12

Section 155(2).

DISCIPLINE ETC AT [F¹REMOVAL CENTRES]

Textual Amendments

- F1** Words in Sch. 12 substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss.66\(2\)\(3\)\(l\), 162\(1\)](#) (with s. 159); [S.I. 2003/1](#), art. 2, Sch.

Measuring and photographing detained persons

- 1 (1) [F¹Removal centre] rules may (among other things) provide for detained persons to be measured and photographed.
- (2) The rules may, in particular, prescribe—
- (a) the time or times at which detained persons are to be measured and photographed;
 - (b) the manner and dress in which they are to be measured and photographed; and
 - (c) the numbers of copies of measurements or photographs that are to be made and the persons to whom they are to be sent.

Commencement Information

- II** Sch. 12 para. 1 wholly in force at 2.4.2001; Sch. 12 para. 1 not in force at Royal Assent; Sch. 12 para. 1 in force for certain purposes at 1.8.2000 by [S.I. 2000/1985](#), art. 2, [Sch.](#); Sch. 12 para. 1 in force so far as not already in force at 2.4.2001 by [S.I. 2001/239](#), art. 2, [Sch.](#)

Testing for drugs or alcohol

- 2 (1) If an authorisation is in force, a detainee custody officer may, at the centre to which the authorisation applies and in accordance with [F¹removal centre] rules, require a detained person who is confined in the centre to provide a sample for the purpose of ascertaining—
- (a) whether he has a drug in his body; or
 - (b) whether he has alcohol in his body.
- (2) The sample required may be one or more of the following—
- (a) a sample of urine;
 - (b) a sample of breath;
 - (c) a sample of a specified description.
- (3) Sub-paragraph (2)(c)—

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- (a) applies only if the authorisation so provides; and
 - (b) does not authorise the taking of an intimate sample.
- (4) “Authorisation” means an authorisation given by the Secretary of State for the purposes of this paragraph in respect of a particular [^{F1}removal centre].
- (5) “Drug” means a drug which is a controlled drug for the purposes of the ^{M1}Misuse of Drugs Act 1971.
- (6) “Specified” means specified in the authorisation.
- (7) “Intimate sample”—
- (a) in relation to England and Wales, has the same meaning as in Part V of the ^{M2}Police and Criminal Evidence Act 1984;
 - (b) in relation to Scotland, means—
 - (i) a sample of blood, semen or any other tissue fluid, urine or pubic hair;
 - (ii) a dental impression;
 - (iii) a swab taken from a person’s body orifice other than the mouth; and
 - (c) in relation to Northern Ireland, has the same meaning as in Part VI of the ^{M3}Police and Criminal Evidence (Northern Ireland) Order 1989.

Commencement Information

I2 Sch. 12 para. 2 wholly in force at 2.4.2001; Sch. 12 para. 2 not in force at Royal Assent; Sch. 12 para. 2 in force for certain purposes at 1.8.2000 by [S.I. 2000/1985, art. 2, Sch.](#); Sch. 12 para. 2 in force so far as not already in force at 2.4.2001 by [S.I. 2001/239, art. 2, Sch.](#)

Marginal Citations

M1 1971 c. 38.
M2 1984 c. 60.
M3 [S.I. 1989/1341 \(N.I. 12\).](#)

Medical examinations

- 3 (1) This paragraph applies if—
- (a) an authorisation is in force for a [^{F1}removal centre]; and
 - (b) there are reasonable grounds for believing that a person detained in the centre is suffering from a disease which is specified in an order in force under subparagraph (7).
- (2) A detainee custody officer may require the detained person to submit to a medical examination at the centre.
- (3) The medical examination must be conducted in accordance with [^{F1}removal centre] rules.
- (4) A detained person who fails, without reasonable excuse, to submit to a medical examination required under this paragraph is guilty of an offence.

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- (5) A person guilty of an offence under sub-paragraph (4) is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale.
- (6) “Authorisation” means an authorisation given by the manager of the [F1removal centre] for the purpose of this paragraph.
- (7) The Secretary of State may by order specify any disease which he considers might, if a person detained in a [F1removal centre] were to suffer from it, endanger the health of others there.

Commencement Information

- I3** Sch. 12 para. 3 wholly in force at 2.4.2001; Sch. 12 para. 3 not in force at Royal Assent; Sch. 12 para. 3(7) in force for certain purposes at 1.8.2000 by S.I. 2000/1985, art. 2, Sch.; Sch. 12 para. 3 in force so far as not already in force at 2.4.2001 by S.I. 2001/239, art. 2, Sch.

Assisting detained persons to escape

- 4 (1) A person who aids any detained person in escaping or attempting to escape from a [F1removal centre][F2, a short-term holding facility or pre-departure accommodation] is guilty of an offence.
- (2) A person who, with intent to facilitate the escape of any detained person from a [F1removal centre][F3, a short-term holding facility or pre-departure accommodation] —
- (a) conveys any thing into the centre [F4, facility or accommodation] or to a detained person,
 - (b) sends any thing (by post or otherwise) into the centre [F5, facility or accommodation] or to a person detained there,
 - (c) places any thing anywhere outside the centre [F6, facility or accommodation] with a view to its coming into the possession of a person detained there,
- is guilty of an offence.
- (3) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

Textual Amendments

- F2** Words in Sch. 12 para. 4(1) substituted (28.7.2014) by Immigration Act 2014 (c. 22), s. 75(3), Sch. 9 para. 12(3)(a)(i); S.I. 2014/1820, art. 3(cc)
- F3** Words in Sch. 12 para. 4(2) substituted (28.7.2014) by Immigration Act 2014 (c. 22), s. 75(3), Sch. 9 para. 12(3)(a)(ii); S.I. 2014/1820, art. 3(cc)
- F4** Words in Sch. 12 para. 4(2)(a) substituted (28.7.2014) by Immigration Act 2014 (c. 22), s. 75(3), Sch. 9 para. 12(3)(a)(iii); S.I. 2014/1820, art. 3(cc)
- F5** Words in Sch. 12 para. 4(2)(b) substituted (28.7.2014) by Immigration Act 2014 (c. 22), s. 75(3), Sch. 9 para. 12(3)(a)(iv); S.I. 2014/1820, art. 3(cc)

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F6 Words in Sch. 12 para. 4(2)(c) substituted (28.7.2014) by [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 9 para. 12\(3\)\(a\)\(v\)](#); [S.I. 2014/1820, art. 3\(cc\)](#)

Alcohol

- 5
- (1) A person who, contrary to [F1removal centre] rules, brings or attempts to bring any alcohol into a [F1removal centre], or to a detained person, is guilty of an offence.
 - (2) A person who places alcohol anywhere outside a [F1removal centre], intending that it should come into the possession of a detained person there, is guilty of an offence.
 - (3) A detainee custody officer or any other person on the staff of a [F1removal centre] who, contrary to [F1removal centre] rules, allows alcohol to be sold or used in the centre is guilty of an offence.
 - (4) A person guilty of an offence under this paragraph is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 3 on the standard scale or to both.
 - (5) “Alcohol” means any spirituous or fermented liquor.

Introduction of other articles

- 6
- (1) A person who—
 - (a) conveys or attempts to convey any thing into or out of a [F1removal centre] or to a detained person, contrary to [F1removal centre] rules, and
 - (b) is not as a result guilty of an offence under paragraph 4 or 5, is guilty of an offence under this paragraph.
 - (2) A person who—
 - (a) places any thing anywhere outside a [F1removal centre], intending it to come into the possession of a detained person, and
 - (b) is not as a result guilty of an offence under paragraph 4 or 5, is guilty of an offence under this paragraph.
 - (3) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Notice of penalties

- 7
- (1) In the case of a contracted out [F1removal centre], the contractor must cause a notice setting out the penalty to which a person committing an offence under paragraph 4, 5 or 6 is liable to be fixed outside the centre in a conspicuous place.
 - (2) In the case of any other [F1removal centre], the Secretary of State must cause such a notice to be fixed outside the centre in a conspicuous place.
- 8
- (1) In the case of a contracted out short-term holding facility [F7or contracted out pre-departure accommodation] , the contractor must cause a notice setting out the penalty to which a person committing an offence under paragraph 4 is liable to be fixed outside the facility [F7or contracted out pre-departure accommodation] in a conspicuous place.

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- (2) In the case of any other short-term holding facility [^{F8}or pre-departure accommodation], the Secretary of State must cause such a notice to be fixed outside the facility [^{F8}or pre-departure accommodation] in a conspicuous place.

Textual Amendments

- F7** Words in Sch. 12 para. 8(1) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 9 para. 12\(3\)\(b\)\(i\)](#); S.I. 2014/1820, art. 3(cc)
- F8** Words in Sch. 12 para. 8(2) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 9 para. 12\(3\)\(b\)\(ii\)](#); S.I. 2014/1820, art. 3(cc)

[^{F9}Prison officers and prisoner custody officers

Textual Amendments

- F9** Sch. 12 para. 9 and cross-heading added (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 65\(3\), 162\(1\)](#) (with s. 159); S.I. 2003/1, art. 2, Sch.

- 9 A reference in this Schedule to a detainee custody officer includes a reference to a prison officer or prisoner custody officer exercising custodial functions.]

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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. 10(12) inserted by 2023 c. 37 s. 10(6)
- s. 40(1)-(1C) substituted for s. 40(1) by 2022 c. 36 s. 76(2)
- s. 40(4A)(4B) inserted by 2022 c. 36 s. 76(5)
- s. 72(10) repealed by 2004 c. 19 Sch. 4
- s. 94(2A)-(2C) inserted by 2016 c. 19 Sch. 11 para. 3(3)
- s. 94(2D) inserted by 2016 c. 19 Sch. 11 para. 7(4)
- s. 94(3)(3A) substituted for s. 94(3) by 2002 c. 41 s. 44(4) (This amendment is repealed (prosp.) by 2016 c. 19, Sch. 11 para. 41)
- s. 94(3A)-(3D) inserted by 2016 c. 19 Sch. 11 para. 3(5)
- s. 95A inserted by 2016 c. 19 Sch. 11 para. 9
- s. 96(1A) inserted by 2016 c. 19 Sch. 11 para. 10(3)
- s. 97(3A)(b)(iv) inserted by 2022 c. 36 s. 13(2)(c)(ii)
- s. 97(8)(9) inserted by 2016 c. 19 Sch. 11 para. 11(4)
- s. 98A inserted by 2016 c. 19 Sch. 11 para. 13
- s. 98A(5) inserted by 2022 c. 36 s. 13(4)
- s. 103(4)(a) words substituted by 2004 c. 19 s. 10(4)(b)
- s. 103(5)(b) word substituted by S.I. 2008/2833 Sch. 3 para. 183(ii)
- s. 103A(1) words substituted by 2004 c. 19 s. 10(5)
- s. 103A(1) heading words substituted by 2004 c. 19 s. 10(5)
- s. 103A(1) words substituted by S.I. 2008/2833 Sch. 3 para. 184
- s. 125(2)(ba) inserted by 2016 c. 19 Sch. 11 para. 22(3)(b)
- s. 146(2)(za) inserted by 2016 c. 19 s. 44(9)
- s. 166(5)(ca) substituted for word in s. 166(5)(c) by 2016 c. 19 Sch. 11 para. 24(2)
- s. 166(5A)(5B) inserted by 2016 c. 19 Sch. 11 para. 24(3)
- s. 166(6)(aa) substituted for word in s. 166(6)(a) by 2016 c. 19 Sch. 11 para. 24(4)
- Sch. 2 para. 21 modified by 2002 c. 41 s. 23(2)(a)
- Sch. 3 para. 2(5) modified by 2002 c. 41 s. 23(2)(b)