

SCHEDULES

SCHEDULE 12

Section 155(2).

DISCIPLINE ETC AT DETENTION CENTRES

Measuring and photographing detained persons

- 1 (1) Detention 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.

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 detention 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)—
- (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 detention centre.
- (5) “Drug” means a drug which is a controlled drug for the purposes of the 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 Police and Criminal Evidence Act 1984;

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- (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 Police and Criminal Evidence (Northern Ireland) Order 1989.

Medical examinations

- 3 (1) This paragraph applies if—
 - (a) an authorisation is in force for a detention 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 sub-paragraph (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 detention 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.
- (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 detention 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 detention centre were to suffer from it, endanger the health of others there.

Assisting detained persons to escape

- 4 (1) A person who aids any detained person in escaping or attempting to escape from a detention centre or short-term holding facility is guilty of an offence.
- (2) A person who, with intent to facilitate the escape of any detained person from a detention centre or short-term holding facility—
 - (a) conveys any thing into the centre or facility or to a detained person,
 - (b) sends any thing (by post or otherwise) into the centre or facility or to a person detained there,
 - (c) places any thing anywhere outside the centre or facility 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

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- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

Alcohol

- 5 (1) A person who, contrary to detention centre rules, brings or attempts to bring any alcohol into a detention centre, or to a detained person, is guilty of an offence.
- (2) A person who places alcohol anywhere outside a detention 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 detention centre who, contrary to detention 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 detention centre or to a detained person, contrary to detention 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 detention 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 detention 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 detention 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, 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 in a conspicuous place.
- (2) In the case of any other short-term holding facility, the Secretary of State must cause such a notice to be fixed outside the facility in a conspicuous place.