

*These notes refer to the Immigration and Asylum Act 1999  
(c.33) which received Royal Assent on 11 November 1999*

# IMMIGRATION AND ASYLUM ACT 1999

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Schedule 11: Detainee custody officers*

417. This Schedule makes further provision relating to detainee custody officers and, where relevant, follows similar provisions in the Criminal Justice Act 1991 relating to prisoner custody officers. Paragraph 1 creates an offence of obtaining a certificate of authorisation by false pretences, and paragraphs 4 and 5 create offences of assaulting or obstructing detainee custody officers acting in the course of their duties. These mirror existing offences in relation to prisoner custody officers at privately managed prisons.
418. [Paragraph 2](#) details the powers and duties of detainee custody officers when exercising custodial functions, and paragraph 3 allows any detainee custody officer to perform functions of a custodial nature at a short-term holding facility. This reflects the limited scope and transitory nature of such facilities. The Schedule also provides in paragraph 6 that detainee custody officers performing escorting functions should be readily identifiable before an offence can be committed in the escort context under paragraphs 4 and 5. It also provides for the suspension and revocation of certificates of authorisation so that the Secretary of State has powers to deal, in appropriate circumstances, with detainee custody officers who are subject to complaints or disciplinary proceedings.