



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.
- [^{F1}(5) The Secretary of State may confer functions of detainee custody officers on prison officers or prisoner custody officers.]
- (6) A prison officer acting under arrangements made under subsection (5) has all the powers, authority, protection and privileges of a constable.
- (7) Schedule 11 makes further provision about detainee custody officers.

Changes to legislation: Immigration and Asylum Act 1999, Cross Heading: Custody and movement of detained persons is up to date with all changes known to be in force on or before 21 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

Textual Amendments

- F1** S. 154(5) substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **ss. 65(1), 162(1)** (with s. 159); [S.I. 2003/1](#), **art. 2, Sch.**

Commencement Information

- I1** S. 154 wholly in force at 2.4.2001; s. 154 not in force at Royal Assent; s. 154(1)-(6) fully in force and s. 154(7) in force for certain purposes at 3.4.2000 and s. 154(7) in force for certain purposes at 1.8.2000 by [S.I. 2000/1985](#), **art. 2, Sch.**; s. 154 in force so far as not already in force at 2.4.2001 by [S.I. 2001/239](#), **art. 2, Sch.**

155 Custodial functions and discipline etc. at [^{F2}removal centres] .

- (1) Custodial functions may be discharged at a [^{F2}removal 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 [^{F2}removal 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 [^{F2}removal centres] and short-term holding facilities [^{F3}and in pre-departure accommodation] .

Textual Amendments

- F2** Words in s. 155 substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **ss.66(2)(3)(g), 162(1)** (with s. 159); [S.I. 2003/1](#), **art. 2, Sch.**
- F3** Words in s. 155(2) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 6(3), 75(3)**; [S.I. 2014/1820](#), **art. 3(e)**

Commencement Information

- I2** S. 155 wholly in force at 2.4.2001; s. 155 not in force at Royal Assent; S. 155(2) in force at 1.8.2000 for certain purposes by [S.I. 2000/1985](#), **art. 2, Sch.**; s. 155 in force so far as not already in force at 2.4.2001 by [S.I. 2001/239](#), **art. 2, Sch.**

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.

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- (3) “Court” includes—
- [^{F4}(a) the First-tier Tribunal;
 - (b) the Upper Tribunal; and]
 - (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 ^{M1}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
- [^{F5}(a)] a transfer direction given under—
 - [^{F6}(i)] section 48 of the ^{M2}Mental Health Act 1983 ^{F7}... (removal to hospital of, among others, persons detained under the 1971 Act); or
 - [^{F6}(ii)] in Northern Ireland, article 54 of the ^{M3}Mental Health (Northern Ireland) Order 1986 (provision corresponding to section 48 of the 1983 Act). [^{F8}or
 - (b) a transfer for treatment direction given under section 136 of the Mental Health (Care and Treatment) (Scotland) Act 2003 as applied by article 13 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005.]

Textual Amendments

- F4** S. 156(3)(a)(b) substituted for s. 156(3)(a) (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 1 para. 19** (with Sch. 4)
- F5** Words in s. 156(7) renumbered as s. 156(7)(a) (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(1), **Sch. 1 para. 5(a)**
- F6** S. 156(7)(a)(b) renumbered as s. 156(7)(a)(i)(ii) (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(1), **Sch. 1 para. 5(b)**
- F7** Words in s. 156(7)(a)(i) omitted (5.10.2005) by virtue of [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(1), **Sch. 1 para. 5(c)**
- F8** S. 156(7)(b) and word added (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 1(1), **Sch. 1 para. 5(d)**

Commencement Information

- I3** S. 156 wholly in force at 2.4.2001; s. 156 not in force at Royal Assent; s. 156(5) in force at 1.8.2000 for certain purposes by [S.I. 2000/1985](#), art. 2, **Sch.**; s. 156 in force so far as not already in force at 2.4.2001 by [S.I. 2001/239](#), art. 2, **Sch.**

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Marginal Citations

- M1** 1994 c. 33.
M2 1983 c. 20.
M3 S.I. 1986/595 (N.I. 4).

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 [^{F9}removal 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.

Textual Amendments

- F9** Words in s. 157 substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss.66\(2\)\(3\)\(h\)](#), [162\(1\)](#) (with [s. 159](#)); [S.I. 2003/1](#), [art. 2](#), [Sch.](#)

Commencement Information

- I4** S. 157 wholly in force at 2.4.2001; s. 157 not in force at Royal assent, see [s. 170\(4\)](#); s. 157 in force at 1.8.2000 for certain purposes by [S.I. 2000/1985](#), [art. 2](#), [Sch.](#); s. 157 in force so far as not already in force 2.4.2001 by [S.I. 2001/239](#), [art. 2](#), [Sch.](#)

[^{F10}157A Pre-departure accommodation

- (1) The following provisions of this Part apply to pre-departure accommodation as they apply to removal centres—
 - (a) section 149 (contracting out of certain removal centres);
 - (b) section 150 (contracting out functions at directly managed removal centres);
 - (c) section 151 (intervention by Secretary of State).
- (2) In the application of those provisions to pre-departure accommodation—
 - (a) references to a removal centre contract are to be read as a contract made under section 149(1) for the provision or running of pre-departure accommodation;
 - (b) references to a contracted out removal centre are to be read as references to pre-departure accommodation in relation to which a contract under section 149(1) is in force;
 - (c) references to a directly managed removal centre are to be read as references to pre-departure accommodation in relation to which there is no contract under section 149(1) in force;
 - (d) references to removal centre rules are to be read as references to rules made under subsection (4).
- (3) The Secretary of State may by regulations extend to pre-departure accommodation any other provision made by or under this Part in relation to removal centres.
- (4) The Secretary of State may make rules for the regulation and management of pre-departure accommodation.]

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Textual Amendments

F10 S. 157A inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 6(4), 75(3)**; S.I. 2014/1820, art. 3(e)

Changes to legislation:

Immigration and Asylum Act 1999, Cross Heading: Custody and movement of detained persons is up to date with all changes known to be in force on or before 21 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.

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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\(2\)\(b\)](#)