



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART VIII

DETENTION CENTRES AND DETAINED PERSONS

Detention centres

148 Management of [F¹removal centres].

- (1) A manager must be appointed for every [F¹removal centre].
- (2) In the case of a contracted out [F¹removal centre], the person appointed as manager must be a detainee custody officer whose appointment is approved by the Secretary of State.
- (3) The manager of a [F¹removal centre] is to have such functions as are conferred on him by [F¹removal centre] rules.
- (4) The manager of a contracted out [F¹removal centre] may not—
 - (a) enquire into a disciplinary charge laid against a detained person;
 - (b) conduct the hearing of such a charge; or
 - (c) make, remit or mitigate an award in respect of such a charge.
- (5) The manager of a contracted out [F¹removal centre] may not, except in cases of urgency, order—
 - (a) the removal of a detained person from association with other detained persons;
 - (b) the temporary confinement of a detained person in special accommodation; or
 - (c) the application to a detained person of any other special control or restraint (other than handcuffs).

Textual Amendments

- F1** Words in s. 148 substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)ss.66\(2\)\(3\)\(b\), 162\(1\)](#) (with s. 159); S.I. 2003/1, art. 2, Sch.

Changes to legislation: Immigration and Asylum Act 1999, Cross Heading: Detention centres is up to date with all changes known to be in force on or before 11 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

Commencement Information

- II** S. 148 wholly in force at 2.4.2001; s. 148 not in force at Royal Assent; s. 148(3) in force at 1.8.2000 for certain purposes by [S.I. 2000/1985, art. 2, Sch.](#); s. 148 in force so far as not already in force at 2.4.2001 by [S.I. 2001/239, art. 2, Sch.](#)

149 Contracting out of certain [F²removal centres].

- (1) The Secretary of State may enter into a contract with another person for the provision or running (or the provision and running) by him, or (if the contract so provides) for the running by sub-contractors of his, of any [F²removal centre] or part of a [F²removal centre].
- (2) While a [F²removal centre] contract for the running of a [F²removal centre] or part of a [F²removal centre] is in force—
 - (a) the [F²removal centre] or part is to be run subject to and in accordance with the provisions of or made under this Part; and
 - (b) in the case of a part, that part and the remaining part are to be treated for the purposes of those provisions as if they were separate [F²removal centres].
- (3) If the Secretary of State grants a lease or tenancy of land for the purposes of a [F²removal centre] contract, none of the following enactments applies to the lease or tenancy—
 - (a) Part II of the ^{M1}Landlord and Tenant Act 1954 (security of tenure);
 - (b) section 146 of the ^{M2}Law of Property Act 1925 (restrictions on and relief against forfeiture);
 - (c) section 19(1), (2) and (3) of the ^{M3}Landlord and Tenant Act 1927 and the ^{M4}Landlord and Tenant Act 1988 (covenants not to assign etc.);
 - (d) the ^{M5}Agricultural Holdings Act 1986;
 - (e) sections 4 to 7 of the ^{M6}Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (irritancy clauses);
 - (f) the ^{M7}Agricultural Holdings (Scotland) Act 1991 [F³and the Agricultural Holdings (Scotland) Act 2003 (asp 11)];
 - (g) section 14 of the ^{M8}Conveyancing Act 1881;
 - (h) the ^{M9}Conveyancing and Law of Property Act 1892;
 - (i) the ^{M10}Business Tenancies (Northern Ireland) Order 1996.
- (4) The Secretary of State must appoint a contract monitor for every contracted out [F²removal centre].
- (5) A person may be appointed as the contract monitor for more than one [F²removal centre].
- (6) The contract monitor is to have—
 - (a) such functions as may be conferred on him by [F²removal centre] rules;
 - (b) the status of a Crown servant.
- (7) The contract monitor must—
 - (a) keep under review, and report to the Secretary of State on, the running of a [F²removal centre] for which he is appointed; and
 - (b) investigate, and report to the Secretary of State on, any allegations made against any person performing custodial functions at that centre.

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- (8) The contractor, and any sub-contractor of his, must do all that he reasonably can (whether by giving directions to the officers of the [F²removal centre] or otherwise) to facilitate the exercise by the contract monitor of his functions.
- (9) “Lease or tenancy” includes an underlease, sublease or sub-tenancy.
- (10) In relation to a [F²removal centre] contract entered into by the Secretary of State before the commencement of this section, this section is to be treated as having been in force at that time.

Textual Amendments

- F2** Words in ss. 149, 150 substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss.66\(2\)\(3\)\(c\)](#), [162\(1\)](#) (with [s. 159](#)); [S.I. 2003/1](#), [art. 2](#), [Sch.](#)
- F3** Words in s. 149(3)(f) inserted (S.) (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\)](#), [s. 95\(3\)\(4\)](#), [sch. para. 52](#) (with [s. 95\(2\)](#)); [S.S.I. 2003/548](#), [art. 2\(i\)](#) (with [sch.](#))

Modifications etc. (not altering text)

- C1** S. 149 extended (4.11.2002) by [The Immigration \(Short-term Holding Facilities\) Regulations 2002 \(S.I. 2002/2538\)](#), [art. 2](#)

Commencement Information

- I2** S. 149 wholly in force at 2.4.2001; S. 149 not in force at Royal Assent; s. 149(1)(3)(6)(a)(9) in force at 1.8.2000 by [S.I. 2000/1985](#), [art. 2](#), [Sch.](#); s. 149 in force so far as not already in force at 2.4.2001 by [S.I. 2001/239](#), [art. 2](#), [Sch.](#)

Marginal Citations

- M1** 1954 c. 56.
M2 1925 c. 20.
M3 1927 c. 36
M4 1988 c.26.
M5 1986 c. 5.
M6 1985 c. 73.
M7 1991 c. 55.
M8 1881 c. 41.
M9 1892 c. 13.
M10 [S.I. 1996/725 \(N.I. 5\)](#).

150 Contracted out functions at directly managed [F²removal centres].

- (1) The Secretary of State may enter into a contract with another person—
- for functions at, or connected with, a directly managed [F²removal centre] to be performed by detainee custody officers provided by that person; or
 - for such functions to be performed by certified prisoner custody officers who are provided by that person.
- (2) For the purposes of this section “[F²removal centre]” includes a short-term holding facility.

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Textual Amendments

- F2** Words in ss. 149, 150 substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss.66\(2\)\(3\)\(c\)](#), [162\(1\)](#) (with [s. 159](#)); S.I. 2003/1, [art. 2](#), [Sch.](#)

151 Intervention by Secretary of State.

- (1) The Secretary of State may exercise the powers conferred by this section if it appears to him that—
 - (a) the manager of a contracted out [^{F4}removal centre] has lost, or is likely to lose, effective control of the centre or of any part of it; or
 - (b) it is necessary to do so in the interests of preserving the safety of any person, or of preventing serious damage to any property.
- (2) The Secretary of State may appoint a person (to be known as the Controller) to act as manager of the [^{F4}removal centre] for the period—
 - (a) beginning with the time specified in the appointment; and
 - (b) ending with the time specified in the notice of termination under subsection (5).
- (3) During that period—
 - (a) all the functions which would otherwise be exercisable by the manager or the contract monitor are to be exercisable by the Controller;
 - (b) the contractor and any sub-contractor of his must do all that he reasonably can to facilitate the exercise by the Controller of his functions; and
 - (c) the staff of the [^{F4}removal centre] must comply with any directions given by the Controller in the exercise of his functions.
- (4) The Controller is to have the status of a Crown servant.
- (5) If the Secretary of State is satisfied that a Controller is no longer needed for a particular [^{F4}removal centre], he must (by giving notice to the Controller) terminate his appointment at a time specified in the notice.
- (6) As soon as practicable after making an appointment under this section, the Secretary of State must give notice of the appointment to those entitled to notice.
- (7) As soon as practicable after terminating an appointment under this section, the Secretary of State must give a copy of the notice of termination to those entitled to notice.
- (8) Those entitled to notice are the contractor, the manager, the contract monitor and the Controller.

Textual Amendments

- F4** Words in s. 151 substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss.66\(2\)\(3\)\(d\)](#), [162\(1\)](#) (with [s. 159](#)); S.I. 2003/1, [art. 2](#), [Sch.](#)

Modifications etc. (not altering text)

- C2** [S. 151](#) extended (2.7.2018) by [The Short-term Holding Facility Rules 2018 \(S.I. 2018/409\)](#), [rules 1](#), [57\(a\)](#) (with [rule 3](#))

Changes to legislation: Immigration and Asylum Act 1999, Cross Heading: Detention centres is up to date with all changes known to be in force on or before 11 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

152 Visiting Committees and inspections.

- (1) The Secretary of State must appoint a committee (to be known as the Visiting Committee) for each [F5removal centre].
- (2) The functions of the Visiting Committee for a [F5removal centre] are to be such as may be prescribed by the [F5removal centre] rules.
- (3) Those rules must include provision—
 - (a) as to the making of visits to the centre by members of the Visiting Committee;
 - (b) for the hearing of complaints made by persons detained in the centre;
 - (c) requiring the making of reports by the Visiting Committee to the Secretary of State.
- (4) Every member of the Visiting Committee for a [F5removal centre] may at any time enter the centre and have free access to every part of it and to every person detained there.
- (5) In section 5A of the M11Prison Act 1952 (which deals with the appointment and functions of Her Majesty’s Chief Inspector of Prisons), after subsection (5), insert—

“(5A) Subsections (2) to (5) apply to [F5removal centres] (as defined by section 147 of the Immigration and Asylum Act 1999 and including any in Scotland) and persons detained in such [F5removal centres] as they apply to prisons and prisoners.”

Textual Amendments

- F5** Words in s. 152 substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\), ss.66\(2\)\(3\)\(e\), 162\(1\)](#) (with s. 159); S.I. 2003/1, art. 2, Sch.

Modifications etc. (not altering text)

- C3** [S. 152\(1\)-\(4\)](#) extended (2.7.2018) by [The Short-term Holding Facility Rules 2018 \(S.I. 2018/409\)](#), rules 1, [57\(b\)](#) (with rule 3)

Commencement Information

- I3** S. 152 wholly in force at 2.4.2001; s. 152 not in force at Royal Assent; s.152(2)(3) in force at 1.8.2000 for certain purposes by [S.I. 2000/1985, art. 2, Sch.](#); s. 152 in force so far as not already in force at 2.4.2001 by [S.I. 2001/239, art. 2, Sch.](#)

Marginal Citations

- M11** [1952 c. 52.](#)

153 [F6Removal centre] rules.

- (1) The Secretary of State must make rules for the regulation and management of [F6removal centres].
- (2) [F6Removal centre] rules may, among other things, make provision with respect to the safety, care, activities, discipline and control of detained persons.

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Textual Amendments

- F6** Words in s. 153 substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss.66\(2\)\(3\)\(f\)](#), [162\(1\)](#) (with s. 159); [S.I. 2003/1](#), [art. 2](#), [Sch.](#)

Commencement Information

- I4** S. 153 wholly in force at 2.4.2001; S. 153 not in force at Royal Assent; s. 153 in force for certain purposes at 1.8.2000 by [S.I. 2000/1985](#), [art. 2](#), [Sch.](#); S. 153 in force so far as not already in force at 2.4.2001 by [S.I. 2001/239](#), [art. 2](#), [Sch.](#)

[^{F7}153A Detained persons: national minimum wage

A detained person does not qualify for the national minimum wage in respect of work which he does in pursuance of removal centre rules.]

Textual Amendments

- F7** S. 153A inserted (31.8.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), [ss. 59\(1\)](#), [62\(1\)\(2\)](#); [S.I. 2006/2226](#), [art. 3](#), [Sch. 1](#)

Changes to legislation:

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