



# Immigration and Asylum Act 1999

## 1999 CHAPTER 33

### PART VIII

#### DETENTION CENTRES AND DETAINED PERSONS

##### *Detention centres*

#### **149 Contracting out of certain detention 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 detention centre or part of a detention centre.
- (2) While a detention centre contract for the running of a detention centre or part of a detention centre is in force—
  - (a) the detention 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 detention centres.
- (3) If the Secretary of State grants a lease or tenancy of land for the purposes of a detention centre contract, none of the following enactments applies to the lease or tenancy—
  - (a) Part II of the Landlord and Tenant Act 1954 (security of tenure);
  - (b) section 146 of the Law of Property Act 1925 (restrictions on and relief against forfeiture);
  - (c) section 19(1), (2) and (3) of the Landlord and Tenant Act 1927 and the Landlord and Tenant Act 1988 (covenants not to assign etc.);
  - (d) the Agricultural Holdings Act 1986;
  - (e) sections 4 to 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (irritancy clauses);
  - (f) the Agricultural Holdings (Scotland) Act 1991;
  - (g) section 14 of the Conveyancing Act 1881;
  - (h) the Conveyancing and Law of Property Act 1892;

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*Status: This is the original version (as it was originally enacted).*

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- (i) the Business Tenancies (Northern Ireland) Order 1996.
- (4) The Secretary of State must appoint a contract monitor for every contracted out detention centre.
- (5) A person may be appointed as the contract monitor for more than one detention centre.
- (6) The contract monitor is to have—
  - (a) such functions as may be conferred on him by detention 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 detention 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.
- (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 detention 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 detention 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.