
STATUTORY INSTRUMENTS

2001 No. 238

The Detention Centre Rules 2001

PART III

MAINTENANCE OF SECURITY AND SAFETY

Special control or restraint

43.—(1) The Secretary of State (in the case of a contracted-out detention centre) or the manager (in the case of a directly managed detention centre) may order a detained person to be put under special control or restraint where this is necessary to prevent the detained person from injuring himself or others, damaging property or creating a disturbance.

(2) In cases of urgency, the manager of a contracted-out detention centre may assume the responsibility of the Secretary of State under paragraph (1) but shall notify the Secretary of State without delay after giving the relevant order.

(3) Notice of such an order shall be given without delay to a member of the visiting committee, the medical practitioner and the manager of religious affairs.

(4) On receipt of the notice the medical practitioner shall inform the manager whether there are any medical reasons why the detained person should not be put under special control or restraint and the manager shall give effect to any recommendation which the medical practitioner may make.

(5) A detained person shall not be kept under special control or restraint longer than necessary, nor shall he be so kept for longer than 24 hours without a direction in writing given by an officer of the Secretary of State (not being an officer of the detention centre).

(6) A direction given under paragraph (5) shall state the grounds for the special control or restraint and the time during which it may continue.

(7) A copy of the direction will be given to the detained person before the 27th hour of application of the special control or restraint.

(8) Particulars of every case of special control or restraint shall be recorded by the manager in a manner to be directed by the Secretary of State.

(9) The manager, the medical practitioner and (at a contracted-out detention centre) an officer of the Secretary of State shall visit any detained person placed under special control and restraint at reasonable intervals during every 24 hour period for so long as the special control or restraint continues to be applied.

(10) Except as provided by this rule no detained person shall be put under special control or restraint otherwise than for safe custody, to give effect to directions lawfully given for his removal from the United Kingdom, or on medical grounds by direction of the medical practitioner.

(11) No detained person shall be put under special control or restraint as a punishment.

(12) Any means of special control or restraint shall be of a pattern authorised by the Secretary of State, and shall be used in such manner and under such conditions as the Secretary of State may direct.