
STATUTORY INSTRUMENTS

2018 No. 409

The Short-term Holding Facility Rules 2018

PART 7

VISITING COMMITTEES

Visiting Committees

50.—(1) A member of the Visiting Committee for a short-term holding facility appointed by the Secretary of State under section 152 of the Immigration and Asylum Act 1999⁽¹⁾, subject to paragraphs (5), (6) and (7), holds office for three years or such lesser period as the Secretary of State may specify.

(2) A relevant member for the purposes of paragraphs (3) and (4) is a member who is either appointed to a Visiting Committee—

(a) for the first time, or

(b) following a gap of a year or more in their membership of a Visiting Committee.

(3) The first 12 months of a relevant member's appointment are on a probationary basis.

(4) During the first 12 months of a relevant member's appointment that member must undertake adequate training.

(5) The Secretary of State may terminate the appointment of a member of a Visiting Committee if satisfied that the member —

(a) has failed to perform their duties satisfactorily;

(b) has failed to undertake training as required under paragraph (4), by the end of the period specified in that paragraph;

(c) is by reason of physical or mental illness, or for any other reason, incapable of carrying out a member's duties, or

(d) has been convicted of such a criminal offence, or their conduct has been such, that it is the Secretary of State's opinion that it is not appropriate for that person to remain a member.

(6) Where the Secretary of State—

(a) has reason to suspect that a member of a Visiting Committee has conducted themselves in a way which would make them liable to have their appointment terminated under paragraph (5)(a) or (d), and

(b) is of the opinion that the suspected conduct is of such a serious nature that the member cannot be permitted to continue to perform their functions as a member of the committee pending the completion of the Secretary of State's investigations into the matter and any decision as to whether the member's appointment should be terminated,

⁽¹⁾ Section 152 was amended by section 66(2)(a) and (b) and (3)(e) of the Nationality, Immigration and Asylum Act 2002.

the member may be suspended from office by the Secretary of State for such a period or periods as may reasonably be required in order to complete investigations and determine whether or not the appointment of the member should be so terminated.

(7) A member suspended under paragraph (6) is not regarded as being a member of the Visiting Committee during the period of the suspension, other than for the purposes of this paragraph and paragraphs (1) and (5).

(8) A Visiting Committee must have a chair and a vice-chair who shall be members of the committee.

(9) The Visiting Committee must—

- (a) upon its constitution for the first time, appoint a chair and a vice-chair from among its members to hold office for a period not exceeding 12 months;
- (b) thereafter but before the date of the first meeting of the committee in any year of office of the board, appoint a chair and a vice-chair from among its members for that year, and
- (c) promptly fill a casual vacancy in the office of chair or vice-chair for the remainder of that year.

(10) The Visiting Committee or the Secretary of State may terminate the appointment of a member as chair or vice-chair if satisfied that the member has—

- (a) failed satisfactorily to perform the functions required of the member as chair or vice-chair, or
- (b) has acted with gross misconduct whilst performing those functions.