



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART VIII

DETENTION CENTRES AND DETAINED PERSONS

Interpretation

147 Interpretation of Part VIII.

In this Part—

“certificate of authorisation” means a certificate issued by the Secretary of State under section 154;

“certified prisoner custody officer” means a prisoner custody officer certified under section 89 of the ^{M1}Criminal Justice Act 1991, or section 114 of the ^{M2}Criminal Justice and Public Order Act 1994, to perform custodial duties;

“contract monitor” means a person appointed by the Secretary of State under section 149(4);

“contracted out [^{F1}removal centre]” means a [^{F1}removal centre] in relation to which a [^{F1}removal centre] contract is in force;

“contractor”, in relation to a [^{F1}removal centre] which is being run in accordance with a [^{F1}removal centre] contract, means the person who has contracted to run it;

“custodial functions” means custodial functions at a [^{F1}removal centre];

^{F2}“detained children” means detained persons who are under the age of 18;]

“detained persons” means persons detained or required to be detained under the 1971 Act [^{F3}or under section 62 of the Nationality, Immigration and Asylum Act 2002 (detention by Secretary of State);]

“detainee custody officer” means a person in respect of whom a certificate of authorisation is in force;

^{F4}

...

“[^{F1}removal centre] contract” means a contract entered into by the Secretary of State under section 149;

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“^{F1}removal centre] rules” means rules made by the Secretary of State under section 153;

“directly managed ^{F1}removal centre]” means a ^{F1}removal centre] which is not a contracted out ^{F1}removal centre];

“escort arrangements” means arrangements made by the Secretary of State under section 156;

“escort functions” means functions under escort arrangements;

“escort monitor” means a person appointed under paragraph 1 of Schedule 13;

^{F5}“pre-departure accommodation” means a place used solely for the detention of detained children and their families for a period of—

- (a) not more than 72 hours, or
- (b) not more than seven days in cases where the longer period of detention is authorised personally by a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975);]

“prisoner custody officer”—

- (a) in relation to England and Wales, has the same meaning as in the ^{M3}Criminal Justice Act 1991;
- (b) in relation to Scotland, has the meaning given in section 114(1) of the ^{M4}Criminal Justice and Public Order Act 1994;
- (c) in relation to Northern Ireland, has the meaning given in section 122(1) of that Act of 1994;

^{F6}“removal centre” means a place which is used solely for the detention of detained persons but which is not a short-term holding facility, ^{F7}pre-departure accommodation,] a prison or part of a prison;]

“short-term holding facility” means a place used^{F8}—

- (a) solely for the detention of detained persons for a period of not more than seven days or for such other period as may be prescribed]^{F9}, or
- (b) for the detention of—
 - (i) detained persons for a period of not more than seven days or for such other period as may be prescribed, and
 - (ii) persons other than detained persons for any period.]

^{F10}but which is not pre-departure accommodation.]

Textual Amendments

- F1** Words in s. 147 substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss.66\(2\)\(3\)\(a\)](#), [162\(1\)](#) (with s. 159); S.I. 2003/1, art. 2, Sch.
- F2** Words in s. 147 inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), [ss. 6\(2\)\(a\)](#), [75\(3\)](#); S.I. 2014/1820, art. 3(e)
- F3** Words in s. 147 inserted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 62\(14\)](#), [162\(1\)](#) (with s. 159); S.I. 2003/1, art. 2, Sch.
- F4** Definition in s. 147 repealed (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 66\(1\)\(a\)](#), [162\(1\)](#), [Sch. 9](#) (with s. 159); S.I. 2003/1, art. 2, Sch.
- F5** Words in s. 147 inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), [ss. 6\(2\)\(b\)](#), [75\(3\)](#); S.I. 2014/1820, art. 3(e)
- F6** Definition in s. 147 inserted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 66\(1\)\(b\)](#), [162\(1\)](#) (with s. 159); S.I. 2003/1, art. 2, Sch.

Changes to legislation: *Immigration and Asylum Act 1999, Section 147 is up to date with all changes known to be in force on or before 02 June 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*

- F7** Words in s. 147 inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 6(2)(c)**, 75(3); S.I. 2014/1820, art. 3(e)
- F8** Words in definition "short-term holding facility" in s. 147 renumbered as para. (a) and hyphen inserted (21.7.2009) by [Borders, Citizenship and Immigration Act 2009 \(c. 11\)](#), **ss. 25(a)**, 58(1) (with s. 36(4))
- F9** Words in s. 147 inserted (21.7.2009) by [Borders, Citizenship and Immigration Act 2009 \(c. 11\)](#), **ss. 25(b)**, 58(1) (with s. 36(4))
- F10** Words in s. 147 inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 6(2)(d)**, 75(3); S.I. 2014/1820, art. 3(e)

Modifications etc. (not altering text)

- C1** S. 147 extended (coming into force in accordance with art. 1(2) of the extending S.I.) by [Nationality, Immigration and Asylum Act 2002 \(Juxtaposed Controls\) Order 2003 \(S.I. 2003/2818\)](#), **art. 11(2)**

Marginal Citations

- M1** 1991 c. 53.
M2 1994 c. 33.
M3 1991 c. 53.
M4 1994 c. 33.

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View outstanding changes

Changes and effects yet to be applied to :

- s. 147 word omitted by 2023 c. 37 s. 11(4)(c)
- s. 147 words inserted by 2023 c. 37 s. 11(4)(b)
- s. 147 words inserted by 2023 c. 37 s. 11(4)(d)
- s. 147 words inserted by 2023 c. 37 s. 11(4)(e)
- s. 147 words omitted by 2023 c. 37 s. 11(4)(a)

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)