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STATUTORY INSTRUMENTS

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**2001 No. 238**

**The Detention Centre Rules 2001**

**PART II**

**DETAINED PERSONS**

*ADMISSIONS AND DISCHARGE*

**Information to detained persons about these Rules and the detention centre**

**4.—**(1) The Secretary of State shall devise a document (to be known as the “compact”) setting out certain rights to be enjoyed and responsibilities to be undertaken by detained persons during their stay at detention centres.

(2) The compact shall in no way prejudice any other rights or responsibilities of detained persons as set out in these Rules, the Human Rights Convention, or otherwise.

(3) Every detained person shall be provided, as soon as possible after his reception into a detention centre and (so far as reasonably practicable) in a language which he understands, with a copy of the compact together with information in writing about those provisions in these Rules and other matters about life in the detention centre which it is necessary that he should know (including information about the proper method of making requests and complaints at the centre).

(4) In the case of a detained person aged less than 18, or a detained person aged 18 or over who cannot read or appears to have difficulty in understanding the information so provided, the manager, or a member of staff deputed by him, shall so explain it to him in order that he can understand his rights and responsibilities.

(5) These Rules shall be translated into a variety of languages as directed by the Secretary of State.

(6) A copy of these Rules shall be made available to any detained person who requests it.

**Record, photograph and fingerprinting**

**5.—**(1) For purposes of identification and welfare, a personal record for each detained person shall be prepared and maintained in such manner as the Secretary of State may direct.

(2) This record shall include such details and measurements of external physical characteristics as the Secretary of State may direct, but no copy of the record shall be given to any person not authorised to receive it by the Secretary of State.

(3) Every detained person may be photographed on reception and subsequently as many times as may be required by the Secretary of State, but no copy of any photographs taken shall be given to any person not authorised to receive it by the Secretary of State.

(4) Any detained person may have his fingerprints taken in accordance with section 141 of the Immigration and Asylum Act 1999 if specifically directed by the Secretary of State.

**Detained persons' property**

6.—(1) Every detained person shall be entitled to retain all his personal property, other than cash, for his own use at the detention centre save where such retention is contrary to the interests of safety or security or is incompatible with the storage facilities provided at the centre.

(2) Anything, other than cash, which a detained person has at a detention centre and which he is not allowed to retain for his own use as a result of paragraph (1) shall be taken into the manager's custody.

(3) An inventory of a detained person's property shall be kept, and he shall be required to sign it, after having a proper opportunity to see that it is correct.

(4) A detained person may have supplied to him at his expense and retain for his own use books, newspapers, writing materials and other means of occupation, except any that appears objectionable to the manager or the Secretary of State on grounds that it is likely to give offence to others.

(5) Any cash that a detained person does not wish to keep in his possession, or which he is not entitled to keep in his possession, shall be deposited with the manager for safekeeping and a receipt issued, which the detained person shall be required to sign, after having a proper opportunity to see that it is correct.

(6) A detained person shall be entitled to reasonable access to any cash deposited with the manager for safekeeping under paragraph (5).

(7) For the purposes of paragraph (5), a detained person shall not be entitled to keep in his possession any cash which is greater than an amount to be directed by the Secretary of State in the interests of prevention of loss or crime at the detention centre.

(8) Any property or cash which a detained person has deposited with, or surrendered to, the manager in accordance with these Rules shall be returned to the detained person upon his discharge from the detention centre.

(9) Any article belonging to a detained person which remains unclaimed for a period of more than one year after he is discharged from the detention centre, or dies, may be sold or otherwise disposed of and the net proceeds of any sale shall be applied, under the joint authority of the manager and the contract monitor, to purposes for the benefit of all detained persons.

(10) The manager may confiscate any unauthorised article found in the possession of a detained person after his reception into a detention centre, or concealed or deposited anywhere within a centre.

**Search**

7.—(1) For reasons of security and safety, every detained person shall be searched when taken into custody by an officer, on his reception into a detention centre and subsequently as the manager thinks necessary, or as the Secretary of State may direct.

(2) A detained person shall be searched in as seemly a manner as is consistent with discovering anything concealed.

(3) No detained person shall be stripped and searched in the sight of another detained person, or in the sight or presence of an officer or other person not of the same sex.

(4) Paragraphs (2) and (3) apply to searches by officers acting in accordance with escort arrangements as well as to those exercising custodial functions.

**Custody outside of detention centres**

8.—(1) A person being taken to or from a detention centre in custody shall be exposed as little as possible to public observation and proper care shall be taken to protect him from curiosity and insult.

(2) A detained person required to be taken in custody anywhere outside of a detention centre shall be kept in the custody of an officer appointed to escort him or a police officer.

### **Detention reviews and up-date of claim**

**9.**—(1) Every detained person will be provided, by the Secretary of State, with written reasons for his detention at the time of his initial detention, and thereafter monthly.

(2) The Secretary of State shall, within a reasonable time following any request to do so by a detained person, provide that person with an update on the progress of any relevant matter relating to him.

(3) For the purposes of paragraph (2) “relevant matter” means any of the following—

- (a) a claim for asylum;
- (b) an application for, or for the variation of, leave to enter or remain in the United Kingdom;
- (c) an application for British nationality;
- (d) a claim for a right of admission into the United Kingdom under a provision of Community law;
- (e) a claim for a right of residence in the United Kingdom under a provision of Community law;
- (f) the proposed removal or deportation of the detained person from the United Kingdom;
- (g) an application for bail under the Immigration Acts or under the Special Immigration Appeals Commission Act 1997;
- (h) an appeal against, or an application for judicial review in relation to, any decision taken in connection with a matter referred to in paragraphs (a) to (g).

### **Female detained persons**

**10.** Female detained persons will be provided with sleeping accommodation separate from male detained persons, subject to rule 11.

### **Families and minors**

**11.**—(1) Detained family members shall be entitled to enjoy family life at the detention centre save to the extent necessary in the interests of security and safety.

(2) Detained persons aged under 18 and families will be provided with accommodation suitable to their needs.

(3) Everything reasonably necessary for detained persons' protection, safety and well-being and the maintenance and care of infants and children shall be provided.