

Status: Point in time view as at 01/08/2000. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: Immigration and Asylum Act 1999, SCHEDULE 12 is up to date with all changes known to be in force on or before 14 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)

SCHEDULES

SCHEDULE 12

Section 155(2).

DISCIPLINE ETC AT DETENTION CENTRES

Measuring and photographing detained persons

- 1 (1) Detention centre rules may (among other things) provide for detained persons to be measured and photographed.
- (2) The rules may, in particular, prescribe—
- (a) the time or times at which detained persons are to be measured and photographed;
 - (b) the manner and dress in which they are to be measured and photographed; and
 - (c) the numbers of copies of measurements or photographs that are to be made and the persons to whom they are to be sent.

Commencement Information

- II** [Sch. 12 para. 1](#) wholly in force at 2.4.2001; [Sch. 12 para. 1](#) not in force at Royal Assent; [Sch. 12 para. 1](#) in force for certain purposes at 1.8.2000 by [S.I. 2000/1985, art. 2, Sch.](#); [Sch. 12 para. 1](#) in force so far as not already in force at 2.4.2001 by [S.I. 2001/239, art. 2, Sch.](#)

Testing for drugs or alcohol

- 2 (1) If an authorisation is in force, a detainee custody officer may, at the centre to which the authorisation applies and in accordance with detention centre rules, require a detained person who is confined in the centre to provide a sample for the purpose of ascertaining—
- (a) whether he has a drug in his body; or
 - (b) whether he has alcohol in his body.
- (2) The sample required may be one or more of the following—
- (a) a sample of urine;
 - (b) a sample of breath;
 - (c) a sample of a specified description.
- (3) Sub-paragraph (2)(c)—
- (a) applies only if the authorisation so provides; and
 - (b) does not authorise the taking of an intimate sample.
- (4) “Authorisation” means an authorisation given by the Secretary of State for the purposes of this paragraph in respect of a particular detention centre.

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- (5) “Drug” means a drug which is a controlled drug for the purposes of the ^{M1}Misuse of Drugs Act 1971.
- (6) “Specified” means specified in the authorisation.
- (7) “Intimate sample”—
- (a) in relation to England and Wales, has the same meaning as in Part V of the ^{M2}Police and Criminal Evidence Act 1984;
 - (b) in relation to Scotland, means—
 - (i) a sample of blood, semen or any other tissue fluid, urine or pubic hair;
 - (ii) a dental impression;
 - (iii) a swab taken from a person’s body orifice other than the mouth; and
 - (c) in relation to Northern Ireland, has the same meaning as in Part VI of the ^{M3}Police and Criminal Evidence (Northern Ireland) Order 1989.

Commencement Information

I2 Sch. 12 para. 2 wholly in force at 2.4.2001; Sch. 12 para. 2 not in force at Royal Assent; Sch. 12 para. 2 in force for certain purposes at 1.8.2000 by S.I. 2000/1985, art. 2, Sch; Sch. 12 para. 2 in force so far as not already in force at 2.4.2001 by S.I. 2001/239, art. 2, Sch.

Marginal Citations

M1 1971 c. 38.
M2 1984 c. 60.
M3 S.I. 1989/1341 (N.I. 12).

Medical examinations

- 3 (1) This paragraph applies if—
- (a) an authorisation is in force for a detention centre; and
 - (b) there are reasonable grounds for believing that a person detained in the centre is suffering from a disease which is specified in an order in force under sub-paragraph (7).
- (2) A detainee custody officer may require the detained person to submit to a medical examination at the centre.
- (3) The medical examination must be conducted in accordance with detention centre rules.
- (4) A detained person who fails, without reasonable excuse, to submit to a medical examination required under this paragraph is guilty of an offence.
- (5) A person guilty of an offence under sub-paragraph (4) is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale.
- (6) “Authorisation” means an authorisation given by the manager of the detention centre for the purpose of this paragraph.

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- (7) The Secretary of State may by order specify any disease which he considers might, if a person detained in a detention centre were to suffer from it, endanger the health of others there.

Commencement Information

- I3** Sch. 12 para. 3 wholly in force at 2.4.2001; Sch. 12 para. 3 not in force at Royal Assent; Sch. 12 para. 3(7) in force for certain purposes at 1.8.2000 by S.I. 2000/1985, art. 2, Sch.; Sch. 12 para. 3 in force so far as not already in force at 2.4.2001 by S.I. 2001/239, art. 2, Sch.

VALID FROM 02/04/2001

Assisting detained persons to escape

- 4 (1) A person who aids any detained person in escaping or attempting to escape from a detention centre or short-term holding facility is guilty of an offence.
- (2) A person who, with intent to facilitate the escape of any detained person from a detention centre or short-term holding facility—
- (a) conveys any thing into the centre or facility or to a detained person,
 - (b) sends any thing (by post or otherwise) into the centre or facility or to a person detained there,
 - (c) places any thing anywhere outside the centre or facility with a view to its coming into the possession of a person detained there,
- is guilty of an offence.
- (3) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

VALID FROM 02/04/2001

Alcohol

- 5 (1) A person who, contrary to detention centre rules, brings or attempts to bring any alcohol into a detention centre, or to a detained person, is guilty of an offence.
- (2) A person who places alcohol anywhere outside a detention centre, intending that it should come into the possession of a detained person there, is guilty of an offence.
- (3) A detainee custody officer or any other person on the staff of a detention centre who, contrary to detention centre rules, allows alcohol to be sold or used in the centre is guilty of an offence.
- (4) A person guilty of an offence under this paragraph is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 3 on the standard scale or to both.

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(5) “Alcohol” means any spirituous or fermented liquor.

VALID FROM 02/04/2001

Introduction of other articles

- 6 (1) A person who—
- (a) conveys or attempts to convey any thing into or out of a detention centre or to a detained person, contrary to detention centre rules, and
 - (b) is not as a result guilty of an offence under paragraph 4 or 5,
- is guilty of an offence under this paragraph.
- (2) A person who—
- (a) places any thing anywhere outside a detention centre, intending it to come into the possession of a detained person, and
 - (b) is not as a result guilty of an offence under paragraph 4 or 5,
- is guilty of an offence under this paragraph.
- (3) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

VALID FROM 02/04/2001

Notice of penalties

- 7 (1) In the case of a contracted out detention centre, the contractor must cause a notice setting out the penalty to which a person committing an offence under paragraph 4, 5 or 6 is liable to be fixed outside the centre in a conspicuous place.
- (2) In the case of any other detention centre, the Secretary of State must cause such a notice to be fixed outside the centre in a conspicuous place.
- 8 (1) In the case of a contracted out short-term holding facility, the contractor must cause a notice setting out the penalty to which a person committing an offence under paragraph 4 is liable to be fixed outside the facility in a conspicuous place.
- (2) In the case of any other short-term holding facility, the Secretary of State must cause such a notice to be fixed outside the facility in a conspicuous place.

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