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## STATUTORY INSTRUMENTS

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# 2001 No. 238

## The Detention Centre Rules 2001

### PART II

#### DETAINED PERSONS

##### *WELFARE AND PRIVILEGES*

#### **Clothing**

**12.**—(1) All detained persons may wear clothing of their own if and insofar as it is suitable and clean, and shall be permitted to arrange for the supply to them from outside the detention centre of sufficient clean clothing.

(2) Where required all detained persons shall be provided with clothing adequate for warmth and health in accordance with arrangements approved by the Secretary of State.

(3) A detained person shall be provided, where necessary, with suitable and adequate clothing on his release.

(4) Facilities for the laundering of items of clothing shall be provided.

#### **Food**

**13.**—(1) Subject to any directions of the Secretary of State, no detained person shall be allowed, except as authorised by the medical practitioner to have any food other than that ordinarily provided.

(2) No detained person shall be given less food than is ordinarily provided, except with his written consent and upon the written recommendation of the medical practitioner.

(3) The food provided shall:

(a) be wholesome, nutritious, well prepared and served, reasonably varied, sufficient in quantity and

(b) meet all religious, dietary, cultural and medical needs.

(4) The contract monitor at a contracted-out detention centre, or the manager at a directly managed detention centre, shall regularly inspect the food both before and after it is cooked and, in the case of the contract monitor, shall report any deficiency or defect to the manager.

(5) In this rule “food” includes drink.

#### **Alcohol**

**14.** No detained person shall be allowed to have any intoxicating liquor except:—

(a) by written order of the medical practitioner, specifying the quantity and the name of the detained person and the medical reason for the order; or

(b) for the observance of religious festivals, and for sacraments, with the prior agreement of the manager.

### **Certification of accommodation**

15.—(1) The Secretary of State shall satisfy himself that in every detention centre sufficient accommodation is provided for all detained persons.

(2) No room shall be used as sleeping accommodation for a detained person unless the Secretary of State has certified that:—

- (a) its size, lighting, heating, ventilation and fittings are adequate for health;
- (b) it has adequate storage facilities (consistent with interests of security and safety); and
- (c) it allows the detained person to communicate at any time with an officer.

(3) No room shall be used for the purposes of:—

- (a) removal from association under rule 40;
- (b) temporary confinement under rule 42; or
- (c) application of special control or restraint under rule 43 unless the Secretary of State has certified that its lighting, heating, ventilation and fittings are adequate for health and that it allows the detained person to communicate at any time with an officer.

(4) A certificate given under this rule in respect of any room shall specify the maximum number of detained persons who may be accommodated in the room.

### **Hygiene**

16.—(1) Every detained person shall have proper regard for personal hygiene in their own interests and the interests of others.

(2) Every detained person shall be provided with toilet articles necessary for his health and cleanliness, which shall be replaced as necessary.

- (3) Facilities shall be provided for every detained person to have a daily bath or shower.
- (4) Facilities shall be provided to male detained persons to permit daily shaving.
- (5) Facilities shall be provided to allow detained persons to have their hair cut on a regular basis.
- (6) No detained person shall be required to have his or her hair cut without consent.

### **Regime and paid activity**

17.—(1) All detained persons shall be provided with an opportunity to participate in activities to meet, as far as possible, their recreational and intellectual needs and the relief of boredom.

(2) Wherever reasonably possible the development of skills and of services to the centre and to the community should be encouraged.

(3) Detained persons shall be entitled to undertake paid activities to the extent that the opportunity to do so is provided by the manager.

(4) Detained persons undertaking activities under paragraph (3) shall be paid at rates approved by the Secretary of State, either generally or in relation to particular cases.

(5) Every detained person able to take part in educational activities provided at a detention centre shall be encouraged to do so.

(6) Programmes of educational classes shall be provided at every detention centre.

(7) Arrangements shall be made for each detained person to have the opportunity of taking part in physical education or recreation, which shall consist of both sports and health-related activities.

(8) A library shall be provided in every detention centre, which will meet a range of cultural, ethnic and linguistic needs and, subject to any direction of the Secretary of State in any particular case, every detained person shall be allowed access to it at reasonable times.

### **Time in open air**

**18.**—(1) Subject to paragraph (2), a detained person shall be given the opportunity to spend at least one hour in the open air every day.

(2) Time in the open air may be refused in exceptional circumstances where necessary in the interests of safety or security.

### **Privileges**

**19.**—(1) At every detention centre all detained persons shall have access to a system of privileges approved by the Secretary of State, which shall include arrangements under which they may spend their money within the detention centre.

(2) Systems of privileges approved under paragraph (1) may include arrangements under which privileges may be granted to detained persons only in so far as they have met, and for so long as they continue to meet, specified standards of behaviour (whether under the compact, these Rules or otherwise).

(3) Systems of privileges which include arrangements of the kind referred to in paragraph (2) shall include procedures to be followed in determining whether or not any of the privileges concerned shall be granted to a detained person and such procedures shall include a requirement that the detained person be given reasons for any decision adverse to him together with a statement of the means by which he may appeal against it.

(4) This rule shall be without prejudice to any other provision of these Rules which provides that a privilege may be forfeited or otherwise lost or a detained person deprived of association with other detained persons.

**Changes to legislation:**

There are currently no known outstanding effects for the The Detention Centre Rules 2001, Cross  
Heading: WELFARE AND PRIVILEGES.