



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART VIII

DETENTION CENTRES AND DETAINED PERSONS

Custody and movement of detained persons

154 Detainee custody officers.

- (1) On an application made to him under this section, the Secretary of State may certify that the applicant—
 - (a) is authorised to perform escort functions; or
 - (b) is authorised to perform both escort functions and custodial functions.
- (2) The Secretary of State may not issue a certificate of authorisation unless he is satisfied that the applicant—
 - (a) is a fit and proper person to perform the functions to be authorised; and
 - (b) has received training to such standard as the Secretary of State considers appropriate for the performance of those functions.
- (3) A certificate of authorisation continues in force until such date, or the occurrence of such event, as may be specified in the certificate but may be suspended or revoked under paragraph 7 of Schedule 11.
- (4) A certificate which authorises the performance of both escort functions and custodial functions may specify one date or event for one of those functions and a different date or event for the other.
- [^{F1}(5) The Secretary of State may confer functions of detainee custody officers on prison officers or prisoner custody officers.]
- (6) A prison officer acting under arrangements made under subsection (5) has all the powers, authority, protection and privileges of a constable.
- (7) Schedule 11 makes further provision about detainee custody officers.

Status: Point in time view as at 04/04/2005.

Changes to legislation: Immigration and Asylum Act 1999, Cross Heading: Custody and movement of detained persons is up to date with all changes known to be in force on or before 19 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)

Textual Amendments

- F1** S. 154(5) substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 65\(1\), 162\(1\)](#) (with [s. 159](#)); [S.I. 2003/1](#), [art. 2](#), [Sch.](#)

Commencement Information

- I1** S. 154 wholly in force at 2.4.2001; s. 154 not in force at Royal Assent; s. 154(1)-(6) fully in force and s. 154(7) in force for certain purposes at 3.4.2000 and s. 154(7) in force for certain purposes at 1.8.2000 by [S.I. 2000/1985](#), [art. 2](#), [Sch.](#); s. 154 in force so far as not already in force at 2.4.2001 by [S.I. 2001/239](#), [art. 2](#), [Sch.](#)

155 Custodial functions and discipline etc. at [^{F2}removal centres] .

- (1) Custodial functions may be discharged at a [^{F2}removal centre] only by—
- (a) a detainee custody officer authorised, in accordance with section 154(1), to perform such functions; or
 - (b) a prison officer, or a certified prisoner custody officer, exercising functions in relation to the [^{F2}removal centre]—
 - (i) in accordance with arrangements made under section 154(5); or
 - (ii) as a result of a contract entered into under section 150(1)(b).
- (2) Schedule 12 makes provision with respect to discipline and other matters at [^{F2}removal centres] and short-term holding facilities.

Textual Amendments

- F2** Words in s. 155 substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss.66\(2\)\(3\)\(g\), 162\(1\)](#) (with [s. 159](#)); [S.I. 2003/1](#), [art. 2](#), [Sch.](#)

Commencement Information

- I2** S. 155 wholly in force at 2.4.2001; s. 155 not in force at Royal Assent; S. 155(2) in force at 1.8.2000 for certain purposes by [S.I. 2000/1985](#), [art. 2](#), [Sch.](#); s. 155 in force so far as not already in force at 2.4.2001 by [S.I. 2001/239](#), [art. 2](#), [Sch.](#)

156 Arrangements for the provision of escorts and custody.

- (1) The Secretary of State may make arrangements for—
- (a) the delivery of detained persons to premises in which they may lawfully be detained;
 - (b) the delivery of persons from any such premises for the purposes of their removal from the United Kingdom in accordance with directions given under the 1971 Act or this Act;
 - (c) the custody of detained persons who are temporarily outside such premises;
 - (d) the custody of detained persons held on the premises of any court.
- (2) Escort arrangements may provide for functions under the arrangements to be performed, in such cases as may be determined by or under the arrangements, by detainee custody officers.
- (3) “Court” includes—

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- [^{F3}(a) the Asylum and Immigration Tribunal;]
(c) the Commission.
- (4) Escort arrangements may include entering into contracts with other persons for the provision by them of—
- (a) detainee custody officers; or
 - (b) prisoner custody officers who are certified under section 89 of the Criminal Justice Act 1991, or section 114 or 122 of the ^{M1}Criminal Justice and Public Order Act 1994, to perform escort functions.
- (5) Schedule 13 makes further provision about escort arrangements.
- (6) A person responsible for performing a function of a kind mentioned in subsection (1), in accordance with a transfer direction, complies with the direction if he does all that he reasonably can to secure that the function is performed by a person acting in accordance with escort arrangements.
- (7) “Transfer direction” means a transfer direction given under—
- (a) section 48 of the ^{M2}Mental Health Act 1983 or section 71 of the ^{M3}Mental Health (Scotland) Act 1984 (removal to hospital of, among others, persons detained under the 1971 Act); or
 - (b) in Northern Ireland, article 54 of the ^{M4}Mental Health (Northern Ireland) Order 1986 (provision corresponding to section 48 of the 1983 Act).

Textual Amendments

- F3** S. 156(3)(a) substituted for s. 156(3)(a)(b) (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), s. 48(3), **Sch. 2 para. 15**; S.I. 2005/565, art. 2(d) (with arts. 3-9)

Commencement Information

- I3** S. 156 wholly in force at 2.4.2001; s. 156 not in force at Royal Assent; s. 156(5) in force at 1.8.2000 for certain purposes by [S.I. 2000/1985](#), art. 2, **Sch.**; s. 156 in force so far as not already in force at 2.4.2001 by [S.I. 2001/239](#), art. 2, **Sch.**

Marginal Citations

- M1** 1994 c. 33.
M2 1983 c. 20.
M3 1984 c. 36.
M4 [S.I. 1986/595 \(N.I. 4\)](#).

157 Short-term holding facilities.

- (1) The Secretary of State may by regulations extend any provision made by or under this Part in relation to [^{F4}removal centres] (other than one mentioned in subsection (2)) to short-term holding facilities.
- (2) Subsection (1) does not apply to section 150.
- (3) The Secretary of State may make rules for the regulation and management of short-term holding facilities.

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Textual Amendments

- F4** Words in s. 157 substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss.66\(2\)\(3\)\(h\)](#), [162\(1\)](#) (with [s. 159](#)); [S.I. 2003/1](#), [art. 2](#), [Sch.](#)

Commencement Information

- I4** S. 157 wholly in force at 2.4.2001; s. 157 not in force at Royal assent, see [s. 170\(4\)](#); s. 157 in force at 1.8.2000 for certain purposes by [S.I. 2000/1985](#), [art. 2](#), [Sch.](#); s. 157 in force so far as not already in force 2.4.2001 by [S.I. 2001/239](#), [art. 2](#), [Sch.](#)

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