

*Status: Point in time view as at 31/08/2006.*

*Changes to legislation: Immigration and Asylum Act 1999, SCHEDULE 11 is up to date with all changes known to be in force on or before 07 September 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 11

Section 154(7).

#### DETAINEE CUSTODY OFFICERS

##### *Obtaining certificates of authorisation by false pretences*

- 1 A person who, for the purpose of obtaining a certificate of authorisation for himself or for any other person—
- (a) makes a statement which he knows to be false in a material particular, or
  - (b) recklessly makes a statement which is false in a material particular,
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

##### *Powers and duties of detainee custody officers*

- 2 (1) A detainee custody officer exercising custodial functions has power—
- (a) to search (in accordance with rules made by the Secretary of State) any detained person in relation to whom the officer is exercising custodial functions; and
  - (b) to search any other person who is in, or is seeking to enter, any place where any such detained person is or is to be held, and any article in the possession of such a person.
- (2) The power conferred by sub-paragraph (1)(b) does not authorise requiring a person to remove any of his clothing other than an outer coat, jacket or glove.
- (3) As respects a detained person in relation to whom he is exercising custodial functions, it is the duty of a detainee custody officer—
- (a) to prevent that person's escape from lawful custody;
  - (b) to prevent, or detect and report on, the commission or attempted commission by him of other unlawful acts;
  - (c) to ensure good order and discipline on his part; and
  - (d) to attend to his wellbeing.
- (4) The powers conferred by sub-paragraph (1), and the powers arising by virtue of sub-paragraph (3), include power to use reasonable force where necessary.

#### **Modifications etc. (not altering text)**

- C1** Sch. 11 paras. 2, 3 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\(2\)](#)

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#### **Commencement Information**

- II** Sch. 11 para. 2 wholly in force at 2.4.2001; Sch. 11 para. 2 not in force at Royal Assent; Sch. 11 para. 2(1)(a) in force for certain purposes at 1.8.2000 by [S.I. 2000/1985](#), [art. 2](#), [Sch.](#); Sch. 11 para 2 in force so far as not already in force at 2.4.2001 by [S.I. 2001/239](#), [art. 2](#), [Sch.](#)

#### *Short-term holding facilities*

- 3 (1) A detainee custody officer may perform functions of a custodial nature at a short-term holding facility (whether or not he is authorised to perform custodial functions at a <sup>[F1]</sup>removal centre).
- (2) When doing so, he is to have the same powers and duties in relation to the facility and persons detained there as he would have if the facility were a <sup>[F1]</sup>removal centre].

#### **Textual Amendments**

- F1** Words in Sch. 11 substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss.66\(2\)\(3\)\(k\)](#), [162\(1\)](#) (with [s. 159](#)); [S.I. 2003/1](#), [art. 2](#), [Sch.](#)

#### **Modifications etc. (not altering text)**

- C1** Sch. 11 paras. 2, 3 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\(2\)](#)

#### *Assaulting a detainee custody officer*

- 4 A person who assaults a detainee custody officer who is—
- (a) acting in accordance with escort arrangements,
  - (b) performing custodial functions, or
  - (c) performing functions of a custodial nature at a short-term holding facility,
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months or to both.

#### *Obstructing detainee custody officers*

- 5 A person who resists or wilfully obstructs a detainee custody officer who is—
- (a) acting in accordance with escort arrangements,
  - (b) performing custodial functions, or
  - (c) performing functions of a custodial nature at a short-term holding facility,
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### *Uniforms and badges*

- 6 For the purposes of paragraphs 4 and 5, a detainee custody officer is not to be regarded as acting in accordance with escort arrangements at any time when he is not readily identifiable as such an officer (whether by means of a uniform or badge which he is wearing or otherwise).

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### *Suspension and revocation of certificates of authorisation*

- 7 (1) If it appears to the Secretary of State that a detainee custody officer is not a fit and proper person to perform escort functions or custodial functions, he may revoke that officer's certificate so far as it authorises the performance of those functions.
- (2) If it appears to the escort monitor that a detainee custody officer is not a fit and proper person to perform escort functions, he may—
- (a) refer the matter to the Secretary of State; or
  - (b) in such circumstances as may be prescribed, suspend the officer's certificate pending a decision by the Secretary of State as to whether to revoke it.
- (3) If it appears to the contract monitor for the [<sup>F1</sup>removal centre] concerned that a detainee custody officer is not a fit and proper person to perform custodial functions, he may—
- (a) refer the matter to the Secretary of State; or
  - (b) in such circumstances as may be prescribed, suspend the officer's certificate pending a decision by the Secretary of State as to whether to revoke it.

#### **Textual Amendments**

- F1** Words in Sch. 11 substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss.66\(2\)\(3\)\(k\)](#), [162\(1\)](#) (with [s. 159](#)); [S.I. 2003/1](#), [art. 2](#), [Sch.](#)

#### **Commencement Information**

- I2** Sch. 11 para. 7 wholly in force at 2.4.2001; Sch. 1 para. 7 not in force at Royal Assent see [s. 170\(4\)](#); Sch. 1 para. 7(1) in force at 3.4.2000 by [S.I. 2000/464](#), [art. 2](#), [Sch.](#); Sch. 11 para. 7(2)(3) in force for certain purposes at 1.8.2000 by [S.I. 2000/1985](#), [art. 2](#), [Sch.](#); Sch. 11 para 7 in force so far as not already in force at 2.4.2001 by [S.I. 2001/239](#), [art. 2](#), [Sch.](#)

### *[<sup>F2</sup>Prison officers and prisoner custody officers*

#### **Textual Amendments**

- F2** Sch. 11 para. 8 and cross-heading added (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 65\(2\)](#), [162\(1\)](#) (with [s. 159](#)); [S.I. 2003/1](#), [art. 2](#), [Sch.](#)

- 8 A reference in this Schedule to a detainee custody officer includes a reference to a prison officer or prisoner custody officer exercising custodial functions.]

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