



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART VIII

DETENTION CENTRES AND DETAINED PERSONS

Detention centres

149 Contracting out of certain detention centres.

- (1) The Secretary of State may enter into a contract with another person for the provision or running (or the provision and running) by him, or (if the contract so provides) for the running by sub-contractors of his, of any detention centre or part of a detention centre.
- (2) While a detention centre contract for the running of a detention centre or part of a detention centre is in force—
 - (a) the detention centre or part is to be run subject to and in accordance with the provisions of or made under this Part; and
 - (b) in the case of a part, that part and the remaining part are to be treated for the purposes of those provisions as if they were separate detention centres.
- (3) If the Secretary of State grants a lease or tenancy of land for the purposes of a detention centre contract, none of the following enactments applies to the lease or tenancy—
 - (a) Part II of the ^{M1}Landlord and Tenant Act 1954 (security of tenure);
 - (b) section 146 of the ^{M2}Law of Property Act 1925 (restrictions on and relief against forfeiture);
 - (c) section 19(1), (2) and (3) of the ^{M3}Landlord and Tenant Act 1927 and the ^{M4}Landlord and Tenant Act 1988 (covenants not to assign etc.);
 - (d) the ^{M5}Agricultural Holdings Act 1986;
 - (e) sections 4 to 7 of the ^{M6}Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (irritancy clauses);
 - (f) the ^{M7}Agricultural Holdings (Scotland) Act 1991;
 - (g) section 14 of the ^{M8}Conveyancing Act 1881;
 - (h) the ^{M9}Conveyancing and Law of Property Act 1892;

Status: Point in time view as at 01/08/2000. This version of this provision has been superseded.

Changes to legislation: Immigration and Asylum Act 1999, Section 149 is up to date with all changes known to be in force on or before 01 July 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)

- (i) the ^{M10}Business Tenancies (Northern Ireland) Order 1996.
- (4) The Secretary of State must appoint a contract monitor for every contracted out detention centre.
- (5) A person may be appointed as the contract monitor for more than one detention centre.
- (6) The contract monitor is to have—
 - (a) such functions as may be conferred on him by detention centre rules;
 - (b) the status of a Crown servant.
- (7) The contract monitor must—
 - (a) keep under review, and report to the Secretary of State on, the running of a detention centre for which he is appointed; and
 - (b) investigate, and report to the Secretary of State on, any allegations made against any person performing custodial functions at that centre.
- (8) The contractor, and any sub-contractor of his, must do all that he reasonably can (whether by giving directions to the officers of the detention centre or otherwise) to facilitate the exercise by the contract monitor of his functions.
- (9) “Lease or tenancy” includes an underlease, sublease or sub-tenancy.
- (10) In relation to a detention centre contract entered into by the Secretary of State before the commencement of this section, this section is to be treated as having been in force at that time.

Modifications etc. (not altering text)

- C1** S. 149 extended (4.11.2002) by [The Immigration \(Short-term Holding Facilities\) Regulations 2002 \(S.I. 2002/2538\)](#), **art. 2**

Commencement Information

- I1** S. 149 wholly in force at 2.4.2001; S. 149 not in force at Royal Assent; s. 149(1)(3)(6)(a)(9) in force at 1.8.2000 by [S.I. 2000/1985](#), **art. 2**, **Sch.**; s. 149 in force so far as not already in force at 2.4.2001 by [S.I. 2001/239](#), **art. 2**, **Sch.**

Marginal Citations

- M1** 1954 c. 56.
M2 1925 c. 20.
M3 1927 c. 36
M4 1988 c.26.
M5 1986 c. 5.
M6 1985 c. 73.
M7 1991 c. 55.
M8 1881 c. 41.
M9 1892 c. 13.
M10 [S.I. 1996/725 \(N.I. 5\)](#).

Status:

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Changes to legislation:

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