



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART VIII

DETENTION CENTRES AND DETAINED PERSONS

Detention centres

149 Contracting out of certain [F¹removal 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 [F¹removal centre] or part of a [F¹removal centre].
- (2) While a [F¹removal centre] contract for the running of a [F¹removal centre] or part of a [F¹removal centre] is in force—
 - (a) the [F¹removal 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 [F¹removal centres].
- (3) If the Secretary of State grants a lease or tenancy of land for the purposes of a [F¹removal 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);

Status: Point in time view as at 01/01/2010.

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 12 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)

- (f) the ^{M7}Agricultural Holdings (Scotland) Act 1991 [^{F2}and the Agricultural Holdings (Scotland) Act 2003 (asp 11)];
 - (g) section 14 of the ^{M8}Conveyancing Act 1881;
 - (h) the ^{M9}Conveyancing and Law of Property Act 1892;
 - (i) the ^{M10}Business Tenancies (Northern Ireland) Order 1996.
- (4) The Secretary of State must appoint a contract monitor for every contracted out [^{F1}removal centre].
- (5) A person may be appointed as the contract monitor for more than one [^{F1}removal centre].
- (6) The contract monitor is to have—
- (a) such functions as may be conferred on him by [^{F1}removal 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 [^{F1}removal 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 [^{F1}removal 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 [^{F1}removal 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.

Textual Amendments

- F1** Words in ss. 149, 150 substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\), ss.66\(2\)\(3\)\(c\), 162\(1\)](#) (with s. 159); S.I. 2003/1, art. 2, Sch.
- F2** Words in s. 149(3)(f) inserted (S.) (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\), s. 95\(3\)\(4\), sch. para. 52](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with sch.)

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.

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- 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).

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