
STATUTORY INSTRUMENTS

2001 No. 238

The Detention Centre Rules 2001

PART II

DETAINED PERSONS

COMMUNICATIONS

Outside contacts

26.—(1) In accordance with rules 27, 28 and 57, detained persons shall be entitled to enjoy family life by way of visits from, or communications with, family members living outside the detention centre, save to the extent necessary in the interests of security or safety.

(2) A detained person shall be entitled to establish and maintain, as far as are possible, such relations with persons and agencies outside the detention centre as he may wish, save to the extent that such relations prejudice interests of security or safety.

Correspondence

27.—(1) Every detained person may send at his own expense and receive as many letters and facsimiles as he wishes.

(2) If a detained person does not have the necessary funds to do so, the Secretary of State may bear the postage expense of any reasonable number of letters which that person wishes to send.

(3) A detained person shall on request be provided with any writing materials necessary for the purposes of sending letters pursuant to paragraph (2).

(4) No letter or other communication to or from a detained person may be opened, read or stopped save where the manager has reasonable cause to believe that its contents may endanger the security of the detention centre or the safety of others or are otherwise of a criminal nature or where it is not possible to determine the addressee or sender without opening the correspondence.

(5) Detained persons will be given the opportunity of being present when any correspondence is opened or read and shall be given reasons in advance if any correspondence is to be opened, read or stopped under paragraph (4).

(6) Without prejudice to paragraph (2), if a detained person does not have the necessary funds to do so, the Secretary of State shall bear the postage expense of any letter to the European Court of Human Rights, ^{F1}... the High Court, the Court of Session, the Special Immigration Appeals Commission [^{F2}, the First-tier Tribunal or the Upper Tribunal] (or any court entitled to hear an appeal against a decision of those bodies).

Textual Amendments

- F1** Words in rule 27(6) omitted (31.12.2020) by virtue of [The Immigration, Nationality and Asylum \(EU Exit\) Regulations 2019 \(S.I. 2019/745\)](#), regs. 1(2), **26(3)** (with Sch. 2 para. 6); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in rule. 27(6) substituted (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), **Sch. 2 para. 1**

Visits

28.—(1) Every detained person may receive as many visits as he wishes within such reasonable limits and subject to such reasonable conditions as the Secretary of State may direct, either generally or in a particular case.

(2) In the interests of security and safety, every visit to a detained person shall take place within sight of an officer, unless the Secretary of State otherwise directs.

(3) Every visit to a detained person shall take place out of the hearing of an officer unless the Secretary of State otherwise directs in a particular case in the interests of security or safety (in which case the detained person shall be given reasons for the direction in advance).

(4) No person visiting a detained person at a detention centre shall be permitted to take a photograph whilst there without the permission of the Secretary of State.

Official interviews

29. A police officer, immigration officer or any other government official may interview any detained person willing to see him or obliged to see him.

Legal advisers and representatives

30. The legal adviser or representative of any detained person in any legal proceedings shall be afforded reasonable facilities for interviewing him in confidence, save that any such interview may be in the sight of an officer.

Use of telephones

31.—(1) All detained persons shall have access to public telephones at the detention centre.

(2) Information about tariffs shall be provided by the manager on request by detained persons.

(3) A separate telephone system shall be provided for incoming calls, and the manager shall ensure that detained persons are notified promptly of such calls.

(4) If a detained person does not have the necessary funds to do so, the Secretary of State may bear the expense of any telephone calls (within reasonable limits) which that person wishes to make.

Money and articles received by post or courier

32.—(1) Any money or other article (other than a letter or other communication) sent to a detained person through the post or courier shall be dealt with in accordance with the provisions of this rule, and the detained person shall be informed of the manner in which it is dealt with.

(2) Any cash shall, at the discretion of the manager, be—

- (a) dealt with in accordance with rule 6(5), (6) or (7); or
- (b) returned to the sender (if known).

- (3) Any security for money shall, at the discretion of the manager, be—
 - (a) delivered to the detained person or placed with his property at the centre; or
 - (b) returned to the sender (if known).
- (4) Any other article to which this rule applies shall, at the discretion of the manager, be—
 - (a) delivered to the detained person or placed with his property at the detention centre; or
 - (b) returned to the sender (if known).

Changes to legislation:

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