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STATUTORY INSTRUMENTS

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**2001 No. 238**

**The Detention Centre Rules 2001**

**PART VI**

**VISITING COMMITTEES**

**Disqualification for membership**

**58.** Any person interested in any contract for the supply of goods or services to a detention centre shall not be a member of the visiting committee for that detention centre and any member who becomes so interested in such a contract shall vacate office as a member.

**Visiting committees**

**59.**—(1) A member of the visiting committee for a detention centre appointed by the Secretary of State under section 152 of the Immigration and Asylum Act 1999 shall, subject to paragraphs (3) and (4), hold office for three years, or such lesser period as the Secretary of State may appoint.

(2) A member—

- (a) appointed for the first time to the visiting committee for a particular detention centre; or
- (b) re-appointed to the committee following a gap of a year or more in his membership of it, shall, during the period of 12 months following the date on which he is so appointed or (as the case may be) re-appointed undertake such training as may be required by the Secretary of State.

(3) The Secretary of State may terminate the appointment of a member if he is satisfied that—

- (a) he has failed satisfactorily to perform his duties;
- (b) he has failed to undertake training he has been required to under paragraph (2), by the end of the period specified in that paragraph;
- (c) he is by reason of physical or mental illness, or for any other reason, incapable of carrying out his duties; or
- (d) he has been convicted of such a criminal offence, or his conduct has been such, that it is not in the Secretary of State's opinion fitting that he should remain a member.

(4) Where the Secretary of State:

- (a) has reason to suspect that a member of the visiting committee of a detention centre may have so conducted himself that his appointment may be liable to be terminated under paragraph (3)(a) or (d) above; and
- (b) is of the opinion that the suspected conduct is of such a serious nature that the member cannot be permitted to continue to perform his functions as a member of the committee pending the completion of the Secretary of State's investigations into the matter and any decision as to whether the member's appointment should be terminated, he may suspend the member from office for such a period or periods as he may reasonably require in order to complete his investigations and determine whether or not the appointment of the

member should be so terminated; and a member so suspended shall not, during the period of the suspension be regarded as being a member of the visiting committee, other than for the purposes of this paragraph and paragraphs (1) and (3).

(5) A committee shall have a chairman and a vice-chairman, who shall be members of the committee.

(6) The Secretary of State shall—

- (a) upon the constitution of a committee for the first time, appoint a chairman and a vice-chairman to hold office for a period not exceeding twelve months;
- (b) thereafter appoint, before the date of the first meeting of the committee in any year of office of the board, a chairman and a vice-chairman for that year, having first consulted the committee; and
- (c) promptly fill, after having first consulted the committee, any casual vacancy in the office of chairman or vice-chairman.

(7) The Secretary of State may terminate the appointment of a member as chairman or vice-chairman of the committee if he is satisfied that the member has—

- (a) failed satisfactorily to perform his functions as chairman or (as the case may be) vice-chairman; or
- (b) has grossly misconducted himself whilst performing those functions.

#### **Proceedings of visiting committees**

**60.**—(1) The visiting committee of a detention centre shall meet at the detention centre once a month or, if they resolve for reasons specified in the resolution that less frequent meetings are sufficient, not fewer than eight times in twelve months.

(2) The committee may fix a quorum of not fewer than three members for proceedings.

(3) The committee shall keep minutes of their proceedings.

(4) The proceedings of the committee shall not be invalidated by any vacancy in the membership or any defect in the appointment of a member.

#### **General duties of visiting committees**

**61.**—(1) The visiting committee of a detention centre shall satisfy themselves as to the state of the detention centre premises, the administration of the detention centre and the treatment of the detained persons.

(2) The committee shall inquire into and report upon any matter into which the Secretary of State asks them to inquire.

(3) The committee shall direct the attention of the manager to any matter which calls for his attention, and shall report to the Secretary of State any matter which they consider expedient to report.

(4) The committee shall inform the Secretary of State immediately of any abuse which comes to their knowledge.

(5) The committee shall bring to the attention of the Secretary of State any aspect of the process of consideration of the immigration status of any detained person that causes them concern insofar as it affects that detained person's continued detention.

(6) Subject to paragraph (5) the committee shall not concern themselves with any issue directly relating to the immigration status of any detained person under the Immigration Acts.

(7) Before exercising any power under these Rules the committee and any member of the committee shall consult the manager in relation to any matter which may affect safety and security.

### **Particular duties**

**62.**—(1) A member of the visiting committee shall visit any detained person who is subject for the time being to:—

- (a) removal from association under rule 40;
- (b) temporary confinement under rule 42; or
- (c) special control or restraint under rule 43 within 24 hours of his being made so subject, and thereafter as the Secretary of State may direct.

(2) The visiting committee for a detention centre and any member of the committee shall hear any complaint or request which a detained person wishes to make to them or him.

(3) The committee shall arrange for the food of the detained persons to be inspected by a member of the committee at frequent intervals.

(4) The committee shall inquire into any report made to them, whether or not by a member of the committee, that a detained person's health, mental or physical, is likely to be injuriously affected by any conditions of his detention.

### **Members visiting detention centres**

**63.**—(1) The members of the visiting committee for a detention centre shall (subject to paragraph (4)) visit the detention centre frequently, and the committee shall arrange a rota whereby at least one of its members visits the detention centre each week.

(2) A member of the committee shall have access at any time to every part of the detention centre and to every detained person, and he may interview any detained person out of the sight and hearing of officers.

(3) A member of the committee shall have access to the records of the detention centre.

(4) In exceptional circumstances, the Secretary of State may temporarily restrict visits by members of the committee in the interests of safety or security.

### **Annual report**

**64.**—(1) The visiting committee for a detention centre shall, in accordance with paragraphs (2) and (3), from time to time make a report to the Secretary of State concerning the state of the detention centre and its administration, including in it any advice and suggestions they consider appropriate.

(2) The committee shall comply with any directions given to them from time to time by the Secretary of State as to the following matters—

- (a) the period to be covered by the report under paragraph (1);
- (b) the frequency with which such a report is to be made; and
- (c) the length of time from the end of the period covered by such a report within which it is to be made, either in respect of a particular report or generally, providing that no directions may be issued under this paragraph if they would have the effect of requiring a committee to make or deliver a report less frequently than once in every twelve months.

(3) Subject to any directions given to them under paragraph (2), the committee shall, under paragraph (1), make an annual report to the Secretary of State as soon as reasonably possible after 31st December each year, which shall cover the period of twelve months ending on that date or, in the case of a committee constituted for the first time during that period, such part of that period during which the committee has been in existence.

**Changes to legislation:**

There are currently no known outstanding effects for the The Detention Centre Rules 2001, PART VI.