
STATUTORY INSTRUMENTS

2018 No. 409

The Short-term Holding Facility Rules 2018

PART 3

DETAINED PERSONS

Admission and discharge

Detained person's property

9.—(1) The manager of a short-term holding facility may refuse to permit a detained person to store property in the facility if it is excessive in weight or size.

(2) A detained person must not store in the short-term holding facility property belonging to another detained person.

(3) Subject to paragraph (4) of this rule and rule 10(7) and (8) (search), a detained person may retain for personal use property admitted to the short-term holding facility.

(4) A detained person must not store or retain property for personal use if it is considered by the manager to be—

- (a) contrary to the interests of the security of the short-term holding facility;
- (b) contrary to the safety of any person, or
- (c) incompatible with the storage facilities provided at the short-term holding facility.

(5) Any property which a detained person has at a short-term holding facility but is not allowed to retain for personal use under this rule must be surrendered by the detained person into the manager's custody.

(6) An inventory of a detained person's property must be kept and the detained person must be requested to sign it after having an opportunity to establish that it is correct.

(7) Any cash or other valuable items that a detained person does not wish to keep in their possession must be deposited with the manager for safekeeping and a receipt must be issued which the detained person must be requested to sign after having an opportunity to establish that it is correct.

(8) A detained person may have reasonable access to any cash or other valuable items deposited with the manager for safekeeping under paragraph (7).

(9) Subject to paragraph (12), upon a detained person's discharge from the short-term holding facility—

- (a) any property surrendered to the manager under paragraph (5) and any cash or other valuable item deposited with the manager under paragraph (7) must be returned to the detained person, and
- (b) the detained person must be requested to sign the inventory referred to in paragraph (6) to confirm receipt of any item that is returned.

(10) An item belonging to a detained person which remains unclaimed for a period of more than—

- (a) 28 days after the detained person is discharged from the short-term holding facility, or

(b) 6 months after the detained person dies,
may be sold or otherwise disposed of.

(11) The net proceeds of any sale under paragraph (10) must be applied, under the joint authority of the manager and the contract monitor, to purposes for the benefit of detained persons.

(12) Any item which a detained person is not permitted to retain under paragraph (4)(a) or (b) may—

(a) be returned to the detained person upon discharge from the short-term holding facility in accordance with paragraph (9), or

(b) may be disposed of in such manner as the manager may direct.

Changes to legislation:

There are currently no known outstanding effects for the The Short-term Holding Facility Rules 2018, Section 9.