
STATUTORY INSTRUMENTS

2018 No. 409

The Short-term Holding Facility Rules 2018

PART 6

PERSONS HAVING ACCESS TO SHORT-TERM HOLDING FACILITIES

Authorisation for access

44. A person must not have access to a short-term holding facility unless authorised by any enactment, the manager or the Secretary of State.

Prohibited items

45.—(1) No person may, without authorisation—

- (a) convey into or out of or throw into or out of or deposit in a short-term holding facility,
- (b) convey to a person detained at a short-term holding facility, or
- (c) deposit in any place with intent that it will come into the possession of a person detained at a short-term holding facility,

any item whatsoever.

(2) Anything so conveyed, thrown or deposited may be confiscated by the manager and disposed of in such manner as the manager may direct.

Control of persons and vehicles

46.—(1) A person or vehicle entering or leaving a short-term holding facility may be stopped, examined and searched by a detainee custody officer or an immigration officer and that search may include a search of any property found on their person or in the vehicle.

(2) A search of a person under paragraph (1) must be carried out in as seemly a manner as is consistent with discovering anything concealed and may not require a person to remove any of their clothing other than an outer coat, jacket or glove.

(3) A detainee custody officer or an immigration officer may confiscate any item located as a result of a search under paragraph (1) that the detainee custody officer or immigration officer has reasonable grounds to believe may compromise the security of the short-term holding facility or the safety of any person.

(4) Any item seized under paragraph (3) may be disposed of in such manner as the manager may direct.

(5) If a person does not leave a short-term holding facility when required to do so, a detainee custody officer or immigration officer may use reasonable force where necessary to remove that person if directed by the manager.

Viewing of short-term holding facilities

47. A person must not view inside a short-term holding facility unless authorised to do so by any enactment, the manager or the Secretary of State.

Visitors

48.—(1) Without prejudice to any other powers to prohibit or restrict entry to short-term holding facilities, or to the powers under rule 25 (visits), the Secretary of State may—

- (a) with a view to ensuring the security of the short-term holding facility, the safety of any person or the prevention of crime, or
- (b) in the interests of any person,

restrict visits by a particular person to a short-term holding facility or to a particular detained person in a short-term holding facility for such periods of time as necessary.

(2) Paragraph (1) does not apply in relation to any visits to a short-term holding facility or to a detained person by a member of the Visiting Committee of the short-term holding facility or by a legal adviser for the purposes of a meeting under rule 27 (legal adviser).

Changes to legislation:

There are currently no known outstanding effects for the The Short-term Holding Facility Rules 2018, PART 6.