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**Annex D (Original
Version)**

IMMIGRATION

The Short-term Holding Facility Rules

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The Secretary of State, in exercise of the powers conferred upon him by sections 157(3) and 166(3) of the Immigration and Asylum Act 1999(a), hereby makes the following Rules:

PART 1

Citation and commencement

- 1. These Rules may be cited as the Short-term Holding Facility Rules and shall come into force on

(a) 1999 c. 33.

Interpretation

2.. In these Rules:

“contracted out short-term holding facility” means a short-term holding facility in respect of which there is a contract entered into by the Secretary of State under section 149 of the Immigration and Asylum Act 1999;

“directly managed short-term holding facility” means a short-term holding facility which is not a contracted out short term holding facility;

“health care professional” means a clinically qualified person working within the scope of practice as determined by his relevant professional body;

“holding room” means a short-term holding facility without sleeping accommodation where a detained person may be detained for a period —

(a) of not more than 18 hours; or

(b) of not more than 24 hours if authorised by the Secretary of State;

“Immigration Acts” means the Immigration Act 1971(a), the Immigration Act 1988(b), the Immigration Appeals Act 1993(c), the Asylum and Immigration Act 1996(d), the Immigration and Asylum Act 1999, the Nationality, Immigration and Asylum Act 2002(e) and the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004(f);

“legal adviser” means, in relation to a detained person, his counsel, representative or solicitor, and includes a clerk acting on behalf of his solicitor;

“officer” means an officer of a short-term holding facility (whether a Crown servant or an employee of the contractor or otherwise) and, for the purposes of rule 9(2), includes a detainee custody officer who is authorised to perform escort functions in accordance with section 154(g) of the Immigration and Asylum Act 1999 or an immigration officer;

“manager” means a person who agrees with the Secretary of State to be responsible for the management of a short-term holding facility;

“removal directions” means directions given in respect of a person under any of paragraphs 8 to 10, 10A, or 12 to 14 of Schedule 2 to the Immigration Act 1971, under paragraph 1 of Schedule 3 to that Act or under section 10 of the Immigration and Asylum Act 1999.

PART 2

DETAINED PERSONS

GENERAL

Purpose of short-term holding facilities

3.—(1) The purpose of short-term holding facilities shall be to provide for the secure but humane accommodation of detained persons in a relaxed regime with as much freedom of movement and association as possible, consistent with the time detained and with maintaining a safe and secure environment, and with the interests of not prejudicing the investigation of whether in fact removal directions may be given in respect of the detained person, whilst respecting in particular their dignity and the right to individual expression.

(2) Due recognition will be given at short-term holding facilities to the need for awareness of the particular anxieties to which detained persons may be subject and the sensitivity that this will require, especially when handling issues of cultural diversity.

(a) 1971 c. 77.

(b) 1988 c. 14.

(c) 1993 c. 23.

(d) 1996 c. 49.

(e) 2002 c. 41.

(f) 2004 c. 19.

(g) Section 154(5) was substituted by section 65(1) of the Nationality, Immigration and Asylum Act 2002.

HOLDING ROOMS

Holding rooms

4.—(1) The number of detained persons detained in a holding room shall not exceed the number of seats in that holding room.

(2) These rules, except rules 6(1) to (3), 7(1) and (2), 11, 12(1) and (2), 13, 15, 16(2) to (3), 17, 20 to 23, 26(3), 31, 33 and 46, shall apply to holding rooms and to any detained person detained in a holding room subject to the modifications in paragraphs (3) and (4).

(3) In rule 14—

(a) for paragraph (1) there shall be substituted —

“(1) Detained persons shall be provided with adequate food and drink.”

(b) paragraph (3) shall be omitted.

(4) In rule 27 —

(a) for paragraphs (1) and (2) there shall be substituted —

“(1) If a detained person becomes seriously ill or sustains any severe injury, the manager shall ensure that he is provided with prompt medical treatment by a health care professional and shall make any arrangements which appear necessary for his supervision, care or transfer to hospital.”

(b) paragraph (3) shall be omitted.

(c) paragraph (6) shall be omitted.

ADMISSION AND DISCHARGE

Information to detained persons about these Rules and the short-term holding facility

5.—(1) A copy of these Rules together with any other written information about procedures in the short-term holding facility which it is necessary that a detained person should know shall be readily available at all short-term holding facilities for consultation by detained persons.

(2) In the case of a detained person aged less than 18, or a detained person aged 18 or over who cannot read or who appears to have difficulty in understanding the information referred to in paragraph (1), the manager shall explain the information to him in order that he can understand his rights and responsibilities.

(3) These Rules and the information referred to in paragraph (1) shall be translated into a variety of languages as directed by the Secretary of State.

Record, photograph and fingerprinting

6.—(1) For the purposes of identification and welfare, a personal record for each detained person shall be prepared and maintained in such manner as the Secretary of State may direct.

(2) This record shall in particular include the name and date of birth of the detained person, but may, if the Secretary of State so directs, also include such details and measurements of external physical characteristics as the Secretary of State may direct, and no copy of the record shall be given to any person not authorised to receive it by the Secretary of State.

(3) Every detained person may be photographed on reception and subsequently as many times as may be required by the Secretary of State, but no copy of any photographs taken shall be given to any person not authorised to receive it by the Secretary of State.

(4) Any detained person may have his fingerprints taken in accordance with section 141(a) of the Immigration and Asylum Act 1999 if specifically directed by the Secretary of State.

(a) Section 141 was amended by section 66 of the Nationality, Immigration and Asylum Act 2002 and section 15 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.

Detained persons' property

7.—(1) Every detained person shall be entitled to retain his personal property for his own use at the short-term holding facility save where such retention is contrary to the interests of safety or security or is incompatible with the storage facilities provided at the short-term holding facility.

(2) Anything which a detained person has at a short-term holding facility and which he is not allowed to retain for his own use as a result of paragraph (1) shall be taken into the manager's custody.

(3) An inventory of a detained person's property shall be kept, and he shall be required to sign it, after having a proper opportunity to see that it is correct.

(4) Any cash that a detained person does not wish to keep in his possession shall be deposited with the manager for safekeeping and a receipt issued, which the detained person shall be required to sign, after having a proper opportunity to see that it is correct.

(5) A detained person shall be entitled to reasonable access to any cash deposited with the manager for safekeeping under paragraph (4).

(6) Any property or cash which a detained person has deposited with the manager in accordance with these Rules shall be returned to the detained person upon his discharge from the short-term holding facility.

(7) Any article belonging to a detained person which remains unclaimed for a period of more than one year after he is discharged from the short-term holding facility, or dies, may be sold or otherwise disposed of and the net proceeds of any sale shall be applied, under the joint authority of the manager and the contract monitor, to purposes for the benefit of all detained persons.

(8) The manager may confiscate any unauthorised article found in the possession of a detained person after his reception into a short-term holding facility, or concealed or deposited anywhere within a short-term holding facility.

Search

8.—(1) For reasons of security and safety, every detained person shall be searched when taken into custody by an officer, on his reception into a short-term holding facility and subsequently as the manager thinks necessary, or as the Secretary of State may direct.

(2) A detained person shall be searched in as seemly a manner as is consistent with discovering anything concealed.

(3) No detained person shall be stripped and searched in the sight of another detained person, or in the sight or presence of an officer or other person not of the same sex.

(4) Paragraphs (2) and (3) apply to searches by officers acting in accordance with escort arrangements as well as to those exercising custodial functions.

Custody outside of a short-term holding facility

9.—(1) A person being taken to or from a short-term holding facility in custody shall be exposed as little as possible to public observation and proper care shall be taken to protect him from curiosity and insult.

(2) A detained person required to be taken in custody anywhere outside of a short-term holding facility shall be kept in the custody of an officer appointed to escort him or a police officer.

Reasons for detention and up-date of claim

10.—(1) Every detained person shall be provided, by the Secretary of State, with written reasons for his detention at the time of his initial detention.

(2) The Secretary of State shall, within a reasonable time following any request to do so by a detained person, provide that person with an update on the progress of any relevant matter relating to him.

(3) For the purposes of paragraph (2) "relevant matter" means any of the following:

(a) a claim for asylum;

(b) an application for, or for the variation of, leave to enter or remain in the United Kingdom;

- (c) an application for British nationality;
- (d) a claim for a right of admission into the United Kingdom under a provision of Community law;
- (e) a claim for a right of residence in the United Kingdom under a provision of Community law;
- (f) the proposed removal or deportation of the detained person from the United Kingdom;
- (g) an application for bail under the Immigration Acts or under the Special Immigration Appeals Commission Act 1997(a);
- (h) an appeal against, or an application for judicial review in relation to, any decision taken in connection with a matter referred to in paragraphs (a) to (g).

Female detained persons

11. Female detained persons shall be provided with sleeping accommodation separate from male detained persons, subject to rule 12.

Families and minors

12.—(1) Detained family members shall be entitled to enjoy family life at a short-term holding facility save to the extent necessary in the interests of security and safety.

(2) Detained persons under the age of 18 and families shall be provided with sleeping accommodation suitable to their needs.

(3) Everything reasonably necessary for detained persons' protection, safety and well-being and the maintenance and care of infants and children shall be provided.

FACILITIES

Clothing

13.—(1) All detained persons may wear clothing of their own if and insofar as it is suitable and clean, and shall be permitted to arrange for the supply to them from outside the short-term holding facility of sufficient clean clothing.

(2) Where required, all detained persons shall be provided with clothing adequate for warmth and health in accordance with arrangements approved by the Secretary of State.

Food

14.—(1) The food provided shall:

- (a) be wholesome, nutritious, well prepared and served, reasonably varied, sufficient in quantity; and
- (b) meet all religious, dietary, cultural and medical needs.

(2) The contract monitor at a contracted out short-term holding facility, or another officer of that short-term holding facility acting on his behalf, shall regularly inspect the food and shall report any deficiency or defect to the manager.

(3) In this rule "food" includes drink.

Certification of accommodation

15.—(1) The Secretary of State shall satisfy himself that in every short-term holding facility sufficient accommodation is provided for all detained persons.

(2) No room shall be used as sleeping accommodation for a detained person unless the Secretary of State has certified that:—

- (a) its size, lighting, heating, ventilation and fittings are adequate for health;

(a) 1997 c. 68.

- (b) it has adequate storage facilities (consistent with the interests of security and safety); and
 - (c) it allows the detained person to communicate at any time with an officer.
- (3) A certificate given under this rule in respect of a room shall specify the maximum number of detained persons who may be accommodated in the room.

Hygiene

- 16.**—(1) If required, every detained person shall be provided with toilet articles necessary for his health and cleanliness, which shall be replaced as necessary.
- (2) Facilities shall be provided for every detained person to have a daily bath or shower.
 - (3) Facilities shall be provided to male detained persons to permit daily shaving.

Recreation

- 17.** All detained persons shall be provided so far as possible, with recreational facilities.

Time in open air

- 18.**—(1) Subject to paragraph (2) a detained person shall be given the opportunity to spend at least one hour in the open air every day.
- (2) Time in the open air may be refused —
 - (a) in exceptional circumstances where necessary in the interests of safety or security;
 - (b) where the Secretary of State directs in any particular case that it is necessary, in the interests of not causing prejudice to the investigation of whether in fact removal directions may be given in respect of the detained person, for the detained person not to communicate or otherwise associate with other detained persons; or
 - (c) where the location or design of a short-term holding facility means that it is not reasonably practicable for detained persons to spend time in the open air.

RELIGION

Diversity of religion

- 19.** Short-term holding facilities shall take account of the diverse cultural and religious backgrounds of detained persons.

Religious denomination

- 20.** If a detained person wishes to declare himself to belong to a particular religion, the manager shall upon that person's reception at the short-term holding facility record that information.

COMMUNICATIONS

Outside contacts

- 21.**—(1) In accordance with rules 22, 23 and 46, detained persons may, subject to such reasonable limits and subject to such reasonable conditions as the Secretary of State may direct either generally or in a particular case, enjoy family life by way of visits from, or communications with, family members living outside of the short-term holding facility.
- (2) Under paragraph (1) the Secretary of State may, in particular, direct in any particular case that it is necessary, in the interests of not causing prejudice to the investigation of whether in fact removal directions may be given in respect of the detained person, for a detained person not to communicate with family members living outside of the short-term holding facility, but such a direction shall not prevent arrangements from being made for the detained person's family, if he so wishes, being informed of his detention as soon as reasonably practicable.
 - (3) A detained person may, subject to such reasonable limits and subject to such reasonable conditions as the Secretary of State may direct either generally or in a particular case, establish and

maintain, as far as are possible, relations with persons and agencies outside the short-term holding facility.

(4) Under paragraph (3) the Secretary of State may, in particular, direct in any particular case that it is necessary, in the interests of not causing prejudice to the investigation of whether in fact removal directions may be given in respect of the detained person, for the detained person not to communicate with persons or agencies outside of the short-term holding facility, but such a direction may not prevent the detained person from communicating with his legal adviser.

Correspondence

22.—(1) Every detained person may send at his own expense and receive as many letters and facsimiles as he wishes, subject to such reasonable conditions as the Secretary of State may direct either generally or in a particular case.

(2) Under paragraph (1) the Secretary of State may, in particular, direct in any particular case that it is necessary, in the interests of not causing prejudice to the investigation of whether in fact removal directions may be given in respect of the detained person, for the detained person not send or receive letters or facsimiles, but such a direction may not prevent the detained person from communicating with his legal adviser.

(3) 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.

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

(5) 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:

- (a) its contents may endanger the security of the short-term holding facility or the safety of others or are otherwise of a criminal nature;
- (b) its contents may prejudice the investigation of whether in fact removal directions may be given in respect of the detained person; or
- (c) where it is not possible to determine the addressee or the sender without opening the correspondence.

(6) Detained persons shall 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 (5).

(7) Without prejudice to paragraph (3), 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, the European Court of Justice, the High Court, the Court of Session, the Special Immigration Appeals Commission, the Asylum and Immigration Tribunal (or any court entitled to hear an appeal against a decision of those bodies).

Visits

23.—(1) Every detained person may receive as many visits 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) Under paragraph (1) the Secretary of State may, in particular, direct in any particular case that it is necessary, in the interests of not causing prejudice to the investigation of whether in fact removal directions may be given in respect of a detained person, for the detained person not to receive visits, but such a direction shall not prevent the detained person from receiving visits from his legal adviser.

(3) 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.

(4) 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 or in the interests of not causing prejudice to the investigation of whether in fact removal directions may be given in respect of the detained person (in which case the detained person shall be given reasons for the direction in advance).

(5) No person visiting a detained person at a short-term holding facility shall be permitted to take a photograph whilst there without the permission of the Secretary of State.

Official interviews

24. 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 adviser and representatives

25. 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

26.—(1) Every detained person shall have access to telephones at the short-term holding facility subject to such reasonable limits and subject to such reasonable conditions as the Secretary of State may direct, either generally or in a particular case.

(2) Under paragraph (1) the Secretary of State may, in particular, direct in any particular case that it is necessary, in the interests of not causing prejudice to the investigation of whether in fact removal directions may be given in respect of the detained person, for the detained person not to have access to public telephones, but such a direction shall not prevent the detained person from communication with his legal adviser by telephone.

(3) A telephone system shall be provided for incoming 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.

HEALTH CARE

Medical care

27.—(1) The manager must ensure that all detained persons have access to health care professionals in accordance with arrangements made by the manager.

(2) Every request by a detained person to see a health care professional shall be recorded by the officer to whom it is made and promptly passed to the manager who shall ensure that it is passed promptly to the health care professional.

(3) All detained persons shall be entitled, if they so wish, to be examined only by a health care professional of the same sex, and the manager shall ensure that all detained persons are aware of that entitlement prior to any examination.

(4) A detained person may only be examined if he consents to it.

(5) The health care professionals shall observe all applicable professional guidelines relating to medical confidentiality.

(6) Subject to any directions given in the particular case by the Secretary of State, a health care professional selected by or on behalf of a detained person who is party to legal proceedings shall be afforded reasonable facilities for examining him in connection with those proceedings.

Notification of illness or death

28.—(1) If a detained person dies, becomes seriously ill, sustains any severe injury or is removed to hospital on account of mental disorder, the manager shall inform the Secretary of State without delay and the Secretary of State shall at once inform —

- (a) the detained person's spouse or next of kin (if he knows of their contact details); and
- (b) any other person who the detained person may reasonably have asked should be informed.

(2) In any case in which the Secretary of State is under a duty to inform the detained person's spouse or next of kin under paragraph (1), this shall be done in person by the appropriate officer wherever it is reasonably practicable to do so.

(3) Without prejudice to paragraph (1), if a detained person dies, the manager shall give notice immediately to the police, to the coroner or procurator fiscal having jurisdiction, and to the Secretary of State.

REQUESTS AND COMPLAINTS

Requests and complaints

29.—(1) A request or complaint to the manager or the Secretary of State relating to a detained person's detention shall be made orally or in writing by the detained person in accordance with such procedures as may be approved by the Secretary of State.

(2) On every day the manager shall consider any requests and complaints that are made to him under paragraph (1).

(3) In the case of a contracted-out short-term holding facility, any complaint involving allegations against any officer at that facility shall be brought to the attention of the contract monitor as soon as possible.

(4) A detained person may make a written request or complaint under paragraph (1) in his own language.

(5) Any written request or complaint made under paragraph (1) may be made in confidence and, if the detained person so wishes, shall be sealed in an envelope with the addressee clearly indicated.

PART 3

MAINTENANCE OF SECURITY AND SAFETY

General security and safety

30. Security shall be maintained, but with no more restriction than is required for safe custody and well ordered community life and in the interests of not causing prejudice to the investigation of whether in fact removal directions may be given in respect of a detained person.

Removal from association

31.—(1) Arrangements may be made for a detained person to be removed from association with other detained persons, either generally or for particular purposes —

- (a) by the Secretary of State (in the case of a contracted-out short-term holding facility) or the manager (in the case of a directly managed short-term holding facility) where it appears necessary in the interests of security or safety; or
- (b) by the Secretary of State in the interests of not causing prejudice to the investigation of whether in fact removal directions may be given in respect of the detained person.

(2) In cases of urgency where it appears necessary in the interests of security or safety that a detained person should not associate with other detained persons, either generally or for particular purposes, the manager of a contracted-out short-term holding facility may assume the responsibility of the Secretary of State under paragraph (1)(a) but shall notify the Secretary of State as soon as possible after making the necessary arrangements.

(3) A detained person shall not be removed under this rule for a period of more than 24 hours without the authority of the Secretary of State.

(4) An authority under paragraph (3) shall be for a period not exceeding 24 hours in cases where the reason for the removal from association is that it appears necessary in the interests of not causing prejudice to the investigation of whether in fact removal directions may be set in respect of a detained person, and in any other case shall be for a period not exceeding 7 days.

(5) Where a detained person has been removed from association he shall be given written reasons for such removal within 2 hours of that removal.

(6) The manager (in the case of a removal from association under paragraph (1)(a)) or the Secretary of State (in the case of a removal from association under paragraph (1)(b)) may arrange at his discretion for such a detained person as aforesaid to resume association with other detained persons, and shall do so if in any case a health care professional so advises on medical grounds.

(7) Particulars of every case of removal from association shall be recorded by the manager in a manner to be directed by the Secretary of State.

(8) The manager and (at a contracted-out short-term holding facility) an officer of the Secretary of State shall visit all detained persons who have been removed from association at least once each day for so long as they remain so removed.

Use of force

32.—(1) A detainee custody officer dealing with a detained person shall not use force unnecessarily and, when the application of force to a detained person is necessary, no more force than is necessary shall be used.

(2) No officer shall act deliberately in a manner calculated to provoke a detained person.

(3) Particulars of every case of use of force shall be recorded by the manager in a manner to be directed by the Secretary of State, and shall be reported to the Secretary of State.

Temporary confinement

33.—(1) The Secretary of State (in the case of a contracted-out short-term holding facility) or the manager (in the case of a directly managed short-term holding facility) may order a refractory or violent detained person to be confined temporarily in special accommodation, but a detained person shall not be so confined as a punishment, or after he has ceased to be refractory or violent.

(2) In cases of urgency, the manager of a contracted-out short-term holding facility may assume the responsibility of the Secretary of State under paragraph (1) above but shall notify the Secretary of State as soon as possible after given the relevant order.

(3) A detained person shall not be confined in special accommodation for longer than 24 hours without a direction in writing given by an officer of the Secretary of State (not being an officer of a short-term holding facility).

(4) The direction shall state the grounds for the confinement and the time during which it may continue (not exceeding three days).

(5) A copy of the direction shall be given to the detained person before the 27th hour of the confinement.

(6) Particulars of every case of temporary confinement shall be recorded by the manager in a manner to be directed by the Secretary of State.

(7) The manager and (at a contracted-out short-term holding facility) an officer of the Secretary of State shall visit all detained persons in temporary confinement at least once each day for as long as they remain so confined.

(8) The manager must also arrange for a health care professional to visit all detained persons in temporary confinement at least once each day for as long as they remain so confined.

PART 4

OFFICERS OF SHORT-TERM HOLDING FACILITIES

General duty of officers

34.—(1) It shall be the duty of every officer to conform to these Rules and the rules and regulations of the short-term holding facility.

(2) An officer shall inform the manager and the Secretary of State promptly of any abuse or impropriety which comes to his attention.

(3) In managing detained persons, all officers shall seek by their own example and leadership to enlist their willing co-operation.

(4) At all times the treatment of detained persons shall be such as to encourage their self respect, a sense of personal responsibility and tolerance towards others.

Gratuities forbidden

35. No officer shall receive any unauthorised fee, gratuity or other consideration in connection with his office.

Transactions with detained persons

36.—(1) No officer shall take part in any business or pecuniary transaction with or on behalf of a detained person without leave of the Secretary of State.

(2) No officer shall without authority:—

- (a) bring in or take out of the short-term holding facility; or
- (b) attempt to bring in or take out of the facility; or
- (c) knowingly allow to be brought in or taken out of the facility

with intent that it should come into the possession of a detained person, any article whatsoever.

(3) Without prejudice to paragraph (2), no officer shall, without authority, deposit any article whatsoever in any place with intent that it shall come into the possession of a detained person.

Contract monitor

37.—(1) The contract monitor for a contracted-out short-term holding facility shall investigate promptly any complaint made against any officer at that facility.

(2) Paragraph (1) is without prejudice to the duties of the contract monitor under section 149(7)(a) of the Immigration and Asylum Act 1999.

Contractor's staff

38. All contractors' staff employed at the short-term holding facility shall facilitate the exercise by the contract monitor of his functions.

Search of officers

39. An officer shall submit himself to be searched in the short-term holding facility if the manager so directs. Any such search shall be conducted in as seemly a manner as is consistent with discovering anything concealed.

Contact with former detained persons

40. No officer shall, without the authority of the Secretary of State, communicate with any person whom he knows to be a former detained person or a relative or friend of a detained person or former detained person in such a way as could compromise that officer in the execution of his duty or the safety, security or control of the short-term holding facility.

(a) Section 149 of the Immigration and Asylum Act 1999 was extended to short-term holding facilities by the Immigration (Short-term Holding Facilities) Regulations 2002, S.I. 2002/2538.

Communication with the press

41.—(1) No officer shall make, directly or indirectly, any unauthorised communication to a representative of the press or any other person concerning matters which have become known to him in the course of his duty.

(2) No officer shall, without authority, publish any matter or make any public pronouncement relating to the administration of any short-term holding facility, short-term holding facility or prison or to any detained persons accommodated there.

PART 5

PERSONS HAVING ACCESS TO SHORT-TERM HOLDING FACILITIES

Authorisation for access

42. No person shall have access to a short-term holding facility unless authorised by enactment or the Secretary of State.

Prohibited articles

43.—(1) No person shall, without authority, convey into or throw into or deposit in a short-term holding facility, or convey out of or throw out of a short-term holding facility, or convey to a detained person, or deposit in any place with intent that it shall come into the possession of a detained person, any money, clothing, food, drink, tobacco, letter, paper, book, tool or other article whatever.

(2) Anything so conveyed, thrown or deposited may be confiscated by the manager.

Control of persons and vehicles

44.—(1) Any person or vehicle entering a short-term holding facility may be stopped, examined and searched.

(2) Any search of any person under paragraph (1) shall be carried out in as seemly a manner as is consistent with discovering anything concealed.

(3) The manager may direct the removal from a short-term holding facility of any person who does not leave on being required to do so.

Viewing of short-term holding facilities

45. No outside person shall be permitted to view inside a short-term holding facility unless authorised to do so by statute or the Secretary of State.

Visitors

46.—(1) Without prejudice to any other powers to prohibit or restrict entry to short-term holding facilities, and to his powers under rule 23, the Secretary of State may, with a view to ensuring safety and security or the prevention of crime or in the interests of any persons, impose prohibitions on visits by a person to a short-term holding facility or to a detained person in a short-term holding facility for such periods of time as he considers necessary.

(2) Paragraph (1) shall not apply to prevent any visit by a legal adviser for the purposes of an interview under rule 25.

PART 6
SUPPLEMENTAL

Delegation by the manager

47. The manager of a short-term holding facility may, with the leave of the Secretary of State, delegate any of the powers and duties under these Rules to another officer of that short-term holding facility.

Home Office

Minister of State

EXPLANATORY NOTE

(This note is not part of the Rules)

Short-term holding facilities are places used solely for the detention of immigration detainees for a period of not more than seven days. These Rules make provision for the regulation and management of short-term holding facilities, including the treatment of detained persons and the conduct and duties of officers in the facility. The Rules provide for matters such as the admission and discharge of detained persons, their welfare, food, clothing, accommodation, recreation and religious observance, correspondence, visits, health care and any complaints they wish to make, as well as the use of security measures such as powers of search. The Rules also provide for the duties of officers in the short-term holding facilities.