



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART VIII

DETENTION CENTRES AND DETAINED PERSONS

Interpretation

147 Interpretation of Part VIII.

In this Part—

“certificate of authorisation” means a certificate issued by the Secretary of State under section 154;

“certified prisoner custody officer” means a prisoner custody officer certified under section 89 of the ^{M1}Criminal Justice Act 1991, or section 114 of the ^{M2}Criminal Justice and Public Order Act 1994, to perform custodial duties;

“contract monitor” means a person appointed by the Secretary of State under section 149(4);

“contracted out [^{F1}removal centre]” means a [^{F1}removal centre] in relation to which a [^{F1}removal centre] contract is in force;

“contractor”, in relation to a [^{F1}removal centre] which is being run in accordance with a [^{F1}removal centre] contract, means the person who has contracted to run it;

“custodial functions” means custodial functions at a [^{F1}removal centre];

[^{F2}“detained children” means detained persons who are under the age of 18;]

“detained persons” means persons detained or required to be detained under the 1971 Act [^{F3}or under section 62 of the Nationality, Immigration and Asylum Act 2002 (detention by Secretary of State);]

“detainee custody officer” means a person in respect of whom a certificate of authorisation is in force;

^{F4}
...

“[^{F1}removal centre] contract” means a contract entered into by the Secretary of State under section 149;

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“^{F1}[removal centre] rules” means rules made by the Secretary of State under section 153;

“directly managed ^{F1}[removal centre]” means a ^{F1}[removal centre] which is not a contracted out ^{F1}[removal centre];

“escort arrangements” means arrangements made by the Secretary of State under section 156;

“escort functions” means functions under escort arrangements;

“escort monitor” means a person appointed under paragraph 1 of Schedule 13;

^{F5}“pre-departure accommodation” means a place used solely for the detention of detained children and their families for a period of—

- (a) not more than 72 hours, or
- (b) not more than seven days in cases where the longer period of detention is authorised personally by a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975);]

“prisoner custody officer”—

- (a) in relation to England and Wales, has the same meaning as in the ^{M3}Criminal Justice Act 1991;
- (b) in relation to Scotland, has the meaning given in section 114(1) of the ^{M4}Criminal Justice and Public Order Act 1994;
- (c) in relation to Northern Ireland, has the meaning given in section 122(1) of that Act of 1994;

^{F6}“removal centre” means a place which is used solely for the detention of detained persons but which is not a short-term holding facility, ^{F7}[pre-departure accommodation,] a prison or part of a prison;]

“short-term holding facility” means a place used^{F8}—

- (a) solely for the detention of detained persons for a period of not more than seven days or for such other period as may be prescribed]^{F9}, or
- (b) for the detention of—
 - (i) detained persons for a period of not more than seven days or for such other period as may be prescribed, and
 - (ii) persons other than detained persons for any period.]

^{F10}but which is not pre-departure accommodation.]

Textual Amendments

- F1** Words in s. 147 substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss.66\(2\)\(3\)\(a\)](#), [162\(1\)](#) (with s. 159); S.I. 2003/1, art. 2, Sch.
- F2** Words in s. 147 inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), [ss. 6\(2\)\(a\)](#), [75\(3\)](#); S.I. 2014/1820, art. 3(e)
- F3** Words in s. 147 inserted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 62\(14\)](#), [162\(1\)](#) (with s. 159); S.I. 2003/1, art. 2, Sch.
- F4** Definition in s. 147 repealed (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 66\(1\)\(a\)](#), [162\(1\)](#), [Sch. 9](#) (with s. 159); S.I. 2003/1, art. 2, Sch.
- F5** Words in s. 147 inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), [ss. 6\(2\)\(b\)](#), [75\(3\)](#); S.I. 2014/1820, art. 3(e)
- F6** Definition in s. 147 inserted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 66\(1\)\(b\)](#), [162\(1\)](#) (with s. 159); S.I. 2003/1, art. 2, Sch.

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- F7** Words in s. 147 inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 6(2)(c)**, 75(3); S.I. 2014/1820, art. 3(e)
- F8** Words in definition "short-term holding facility" in s. 147 renumbered as para. (a) and hyphen inserted (21.7.2009) by [Borders, Citizenship and Immigration Act 2009 \(c. 11\)](#), **ss. 25(a)**, 58(1) (with s. 36(4))
- F9** Words in s. 147 inserted (21.7.2009) by [Borders, Citizenship and Immigration Act 2009 \(c. 11\)](#), **ss. 25(b)**, 58(1) (with s. 36(4))
- F10** Words in s. 147 inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 6(2)(d)**, 75(3); S.I. 2014/1820, art. 3(e)

Modifications etc. (not altering text)

- C1** S. 147 extended (coming into force in accordance with art. 1(2) of the extending S.I.) by [Nationality, Immigration and Asylum Act 2002 \(Juxtaposed Controls\) Order 2003 \(S.I. 2003/2818\)](#), **art. 11(2)**

Marginal Citations

- M1** 1991 c. 53.
M2 1994 c. 33.
M3 1991 c. 53.
M4 1994 c. 33.

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Changes and effects yet to be applied to :

- s. 147 word omitted by [2023 c. 37 s. 11\(4\)\(c\)](#)
- s. 147 words inserted by [2023 c. 37 s. 11\(4\)\(b\)](#)
- s. 147 words inserted by [2023 c. 37 s. 11\(4\)\(d\)](#)
- s. 147 words inserted by [2023 c. 37 s. 11\(4\)\(e\)](#)
- s. 147 words omitted by [2023 c. 37 s. 11\(4\)\(a\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act excluded by [2024 c. 8 s. 2\(5\)\(a\)5](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 10(12) inserted by [2023 c. 37 s. 10\(6\)](#)
- s. 40(1)-(1C) substituted for s. 40(1) by [2022 c. 36 s. 76\(2\)](#)
- s. 40(4A)(4B) inserted by [2022 c. 36 s. 76\(5\)](#)
- s. 72(10) repealed by [2004 c. 19 Sch. 4](#)
- s. 94(2A)-(2C) inserted by [2016 c. 19 Sch. 11 para. 3\(3\)](#)
- s. 94(2D) inserted by [2016 c. 19 Sch. 11 para. 7\(4\)](#)
- s. 94(3)(3A) substituted for s. 94(3) by [2002 c. 41 s. 44\(4\)](#) (This amendment is repealed (prosp.) by [2016 c. 19, Sch. 11 para. 41](#))
- s. 94(3A)-(3D) inserted by [2016 c. 19 Sch. 11 para. 3\(5\)](#)
- s. 95A inserted by [2016 c. 19 Sch. 11 para. 9](#)
- s. 96(1A) inserted by [2016 c. 19 Sch. 11 para. 10\(3\)](#)
- s. 97(3A)(b)(iv) inserted by [2022 c. 36 s. 13\(2\)\(c\)\(ii\)](#)
- s. 97(8)(9) inserted by [2016 c. 19 Sch. 11 para. 11\(4\)](#)
- s. 98A inserted by [2016 c. 19 Sch. 11 para. 13](#)
- s. 98A(5) inserted by [2022 c. 36 s. 13\(4\)](#)
- s. 103(4)(a) words substituted by [2004 c. 19 s. 10\(4\)\(b\)](#)
- s. 103(5)(b) word substituted by [S.I. 2008/2833 Sch. 3 para. 183\(ii\)](#)
- s. 103A(1) words substituted by [2004 c. 19 s. 10\(5\)](#)
- s. 103A(1) heading words substituted by [2004 c. 19 s. 10\(5\)](#)
- s. 103A(1) words substituted by [S.I. 2008/2833 Sch. 3 para. 184](#)
- s. 125(2)(ba) inserted by [2016 c. 19 Sch. 11 para. 22\(3\)\(b\)](#)
- s. 146(2)(za) inserted by [2016 c. 19 s. 44\(9\)](#)
- s. 166(5)(ca) substituted for word in s. 166(5)(c) by [2016 c. 19 Sch. 11 para. 24\(2\)](#)
- s. 166(5A)(5B) inserted by [2016 c. 19 Sch. 11 para. 24\(3\)](#)
- s. 166(6)(aa) substituted for word in s. 166(6)(a) by [2016 c. 19 Sch. 11 para. 24\(4\)](#)
- Sch. 2 para. 21 modified by [2002 c. 41 s. 23\(2\)\(a\)](#)
- Sch. 3 para. 2(5) modified by [2002 c. 41 s. 23\(2\)\(b\)](#)