S T A T U T O R Y I N S T R U M E N T S

2001 No. 241

IMMIGRATION

The Immigration (Suspension of Detainee Custody Officer Certificate) Regulations 2001

Made - - - -	*28th January 2001*
Laid before Parliament	*6th February 2001*
Coming into force	*2nd April 2001*

In exercise of the power conferred upon me by paragraphs 7(2) and (3) of Schedule 11 to the Immigration and Asylum Act 1999**(a)**, I hereby make the following Regulations:

1. These Regulations may be cited as the Immigration (Suspension of Detainee Custody Officer Certificate) Regulations 2001 and shall come into force on 2nd April 2001.

2. In these Regulations "the 1999 Act" means the Immigration and Asylum Act 1999.

3. The prescribed circumstances for the purposes of paragraphs 7(2) and 7(3) of Schedule 11 to the 1999 Act (suspension of detainee custody officer certificate by contract monitor or escort monitor) are where—

(a) an allegation has been made against a detainee custody officer ("the officer") acting in pursuance of escort arrangements or performing custodial functions at a contracted-out detention centre, or

(b) the officer has been charged with a criminal offence or disciplinary action is being taken against him by his employer; or

(c) it appears to the escort monitor or (as the case may be) contract monitor that the officer is, by reason of physical or mental illness, or for any other reason, incapable of satisfactorily carrying out his duties.

Home Office
28th January 2001

Barbara Roche
Minister of State

(a) 1999 c. 33.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Paragraph 7 of Schedule 11 to the Immigration and Asylum Act 1999 provides that if it appears to the escort monitor or (as the case may be) contract monitor that a detainee custody officer is not a fit and proper person to perform escort duties or (as the case may be) custodial duties he may refer the matter to the Secretary of State or may, in prescribed circumstances, suspend the officer's certificate pending the Secretary of State's decision as to whether to revoke it.

These Regulation prescribe those circumstances, which are where—

(a) an allegation has been made against the detainee custody officer; or

(b) that officer has been charged with a criminal offence or disciplinary action is being taken against him; or

(c) it appears that he is by reason of physical or mental illness or for any other reason incapable of satisfactorily carrying out his duties.

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