



# Immigration and Asylum Act 1999

## 1999 CHAPTER 33

### PART VIII

#### DETENTION CENTRES AND DETAINED PERSONS

##### *Detention centres*

#### **149 Contracting out of certain [F<sup>1</sup>removal centres].**

- (1) The Secretary of State may enter into a contract with another person for the provision or running (or the provision and running) by him, or (if the contract so provides) for the running by sub-contractors of his, of any [F<sup>1</sup>removal centre] or part of a [F<sup>1</sup>removal centre].
- (2) While a [F<sup>1</sup>removal centre] contract for the running of a [F<sup>1</sup>removal centre] or part of a [F<sup>1</sup>removal centre] is in force—
  - (a) the [F<sup>1</sup>removal centre] or part is to be run subject to and in accordance with the provisions of or made under this Part; and
  - (b) in the case of a part, that part and the remaining part are to be treated for the purposes of those provisions as if they were separate [F<sup>1</sup>removal centres].
- (3) If the Secretary of State grants a lease or tenancy of land for the purposes of a [F<sup>1</sup>removal centre] contract, none of the following enactments applies to the lease or tenancy—
  - (a) Part II of the <sup>M1</sup>Landlord and Tenant Act 1954 (security of tenure);
  - (b) section 146 of the <sup>M2</sup>Law of Property Act 1925 (restrictions on and relief against forfeiture);
  - (c) section 19(1), (2) and (3) of the <sup>M3</sup>Landlord and Tenant Act 1927 and the <sup>M4</sup>Landlord and Tenant Act 1988 (covenants not to assign etc.);
  - (d) the <sup>M5</sup>Agricultural Holdings Act 1986;
  - (e) sections 4 to 7 of the <sup>M6</sup>Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (irritancy clauses);

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- (f) the <sup>M7</sup>Agricultural Holdings (Scotland) Act 1991 [<sup>F2</sup>and the Agricultural Holdings (Scotland) Act 2003 (asp 11)];
  - (g) section 14 of the <sup>M8</sup>Conveyancing Act 1881;
  - (h) the <sup>M9</sup>Conveyancing and Law of Property Act 1892;
  - (i) the <sup>M10</sup>Business Tenancies (Northern Ireland) Order 1996.
- (4) The Secretary of State must appoint a contract monitor for every contracted out [<sup>F1</sup>removal centre].
- (5) A person may be appointed as the contract monitor for more than one [<sup>F1</sup>removal centre].
- (6) The contract monitor is to have—
- (a) such functions as may be conferred on him by [<sup>F1</sup>removal centre] rules;
  - (b) the status of a Crown servant.
- (7) The contract monitor must—
- (a) keep under review, and report to the Secretary of State on, the running of a [<sup>F1</sup>removal centre] for which he is appointed; and
  - (b) investigate, and report to the Secretary of State on, any allegations made against any person performing custodial functions at that centre.
- (8) The contractor, and any sub-contractor of his, must do all that he reasonably can (whether by giving directions to the officers of the [<sup>F1</sup>removal centre] or otherwise) to facilitate the exercise by the contract monitor of his functions.
- (9) “Lease or tenancy” includes an underlease, sublease or sub-tenancy.
- (10) In relation to a [<sup>F1</sup>removal centre] contract entered into by the Secretary of State before the commencement of this section, this section is to be treated as having been in force at that time.

#### Textual Amendments

- F1** Words in ss. 149, 150 substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\), ss.66\(2\)\(3\)\(c\), 162\(1\)](#) (with s. 159); S.I. 2003/1, art. 2, Sch.
- F2** Words in s. 149(3)(f) inserted (S.) (27.11.2003) by [Agricultural Holdings \(Scotland\) Act 2003 \(asp 11\), s. 95\(3\)\(4\), sch. para. 52](#) (with s. 95(2)); S.S.I. 2003/548, art. 2(i) (with sch.)

#### Modifications etc. (not altering text)

- C1** S. 149 extended (4.11.2002) by [The Immigration \(Short-term Holding Facilities\) Regulations 2002 \(S.I. 2002/2538\), art. 2](#)

#### Commencement Information

- I1** S. 149 wholly in force at 2.4.2001; S. 149 not in force at Royal Assent; s. 149(1)(3)(6)(a)(9) in force at 1.8.2000 by [S.I. 2000/1985, art. 2, Sch.](#); s. 149 in force so far as not already in force at 2.4.2001 by [S.I. 2001/239, art. 2, Sch.](#)

#### Marginal Citations

- M1** 1954 c. 56.  
**M2** 1925 c. 20.  
**M3** 1927 c. 36  
**M4** 1988 c.26.

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- M5** 1986 c. 5.
- M6** 1985 c. 73.
- M7** 1991 c. 55.
- M8** 1881 c. 41.
- M9** 1892 c. 13.
- M10** S.I. 1996/725 (N.I. 5).

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

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)