
STATUTORY INSTRUMENTS

2001 No. 238

The Detention Centre Rules 2001

PART VI

VISITING COMMITTEES

Visiting committees

59.—(1) A member of the visiting committee for a detention centre appointed by the Secretary of State under section 152 of the Immigration and Asylum Act 1999 shall, subject to paragraphs (3) and (4), hold office for three years, or such lesser period as the Secretary of State may appoint.

(2) A member—

- (a) appointed for the first time to the visiting committee for a particular detention centre; or
- (b) re-appointed to the committee following a gap of a year or more in his membership of it, shall, during the period of 12 months following the date on which he is so appointed or (as the case may be) re-appointed undertake such training as may be required by the Secretary of State.

(3) The Secretary of State may terminate the appointment of a member if he is satisfied that—

- (a) he has failed satisfactorily to perform his duties;
- (b) he has failed to undertake training he has been required to under paragraph (2), by the end of the period specified in that paragraph;
- (c) he is by reason of physical or mental illness, or for any other reason, incapable of carrying out his duties; or
- (d) he has been convicted of such a criminal offence, or his conduct has been such, that it is not in the Secretary of State's opinion fitting that he should remain a member.

(4) Where the Secretary of State:

- (a) has reason to suspect that a member of the visiting committee of a detention centre may have so conducted himself that his appointment may be liable to be terminated under paragraph (3)(a) or (d) above; and
- (b) is of the opinion that the suspected conduct is of such a serious nature that the member cannot be permitted to continue to perform his functions as a member of the committee pending the completion of the Secretary of State's investigations into the matter and any decision as to whether the member's appointment should be terminated, he may suspend the member from office for such a period or periods as he may reasonably require in order to complete his investigations and determine whether or not the appointment of the member should be so terminated; and a member so suspended shall not, during the period of the suspension be regarded as being a member of the visiting committee, other than for the purposes of this paragraph and paragraphs (1) and (3).

(5) A committee shall have a chairman and a vice-chairman, who shall be members of the committee.

- (6) The Secretary of State shall—
 - (a) upon the constitution of a committee for the first time, appoint a chairman and a vice-chairman to hold office for a period not exceeding twelve months;
 - (b) thereafter appoint, before the date of the first meeting of the committee in any year of office of the board, a chairman and a vice-chairman for that year, having first consulted the committee; and
 - (c) promptly fill, after having first consulted the committee, any casual vacancy in the office of chairman or vice-chairman.
- (7) The Secretary of State may terminate the appointment of a member as chairman or vice-chairman of the committee if he is satisfied that the member has—
 - (a) failed satisfactorily to perform his functions as chairman or (as the case may be) vice-chairman; or
 - (b) has grossly misconducted himself whilst performing those functions.