

**SUBSIDIARY LEGISLATION 217.19****DETENTION SERVICE REGULATIONS**

15th January, 2016

*LEGAL NOTICE 16 of 2016.***PART I****Preliminary**

1. The title of these regulations is the Detention Service Regulations. Citation.
2. (1) In these regulations, unless the context otherwise requires - Interpretation.
- "Act" means the Immigration Act; Cap. 217.
- "compact" means the document referred to in regulation 11;
- "controlled drug" means any drug which is a controlled drug for the purposes of the Medical and Kindred Professions Ordinance and the Dangerous Drugs Ordinance; Cap. 31.  
Cap. 101.
- "family" means the family already existing in the country of origin, persons who declare upon initial arrival that they are accompanied by their spouse or their minor children who can show to have been living together prior to their arrival and such children are unmarried and dependent, whether born in or out of wedlock, adopted or recognised;
- "Head Detention Services" means the person appointed by the Minister for the purpose of administering all detention centres in Malta;
- "Malta" means the Island of Malta, the Island of Gozo and the other islands of the Maltese Archipelago;
- "Minister" means the Minister responsible for Immigration;
- "non-governmental organization" means any organization or association permitted by the Minister to provide advice and support to persons in detention;
- "officer in charge" means the person appointed by the Head Detention Services to manage a detention centre;
- "officer" means an officer of a detention centre and includes members of the Armed Forces of Malta, officers of the Malta Police Force and officers of the Detention Services;
- "Principal Immigration Officer" has the same meaning assigned to it in the Act.
- (2) These regulations apply to detention centres without prejudice to anything provided in the Act or in the Refugees Act. Cap. 420.

## PART II

## Officers of Detention Centres

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|---------------------------------------|---|
| General duties of officers.           | <p><b>3.</b> (1) It shall be the duty of every officer to conform to these regulations, to assist and support the officer in charge in the maintenance of the detention centre and to obey his lawful instructions.</p> <p>(2) An officer shall inform the officer in charge and the Head Detention Services promptly of any abuse or impropriety which comes to his knowledge.</p> <p>(3) Officers exercising detention functions shall pay special attention to their fundamental duty to attend to the well-being of detained persons.</p> <p>(4) Officers shall notify the health care team of any concern they have about the physical or mental health of a detainee.</p> <p>(5) In managing detained persons, all officers shall seek by their own example and leadership to enlist their willing co-operation.</p> <p>(6) 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.</p> |
| Gratuities forbidden.                 | <p><b>4.</b> No officer shall receive any unauthorised fee, gratuity or other consideration in connection with his office.</p>  |
| Transactions with detained persons.   | <p><b>5.</b> (1) No officer shall take part in any business or pecuniary transaction with or on behalf of a detained person.</p> <p>(2) No officer shall without authority bring in or take out, or attempt to bring in or take out, to or for a detained person, or deposit in any place with intent that it shall come into the possession of a detained person, any article whatsoever.</p>  |
| Search of officers.                   | <p><b>6.</b> An officer shall be searched in the detention centre if the officer in charge so directs. Any such search shall be conducted in as seemly a manner as is consistent with discovering anything concealed.</p>   |
| Contact with former detained persons. | <p><b>7.</b> No officer shall communicate with any person whom he knows to be a 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 a detention centre.</p>  |
| Communication with the press.         | <p><b>8.</b> (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.</p> <p>(2) No officer shall, without authority, publish any matter or make any public pronouncement relating to the administration of any detention centre, short-term holding facility or to any detained persons accommodated there.</p>   |
| Discipline.                           | <p><b>9.</b> Discipline of officers shall be carried out in accordance</p>  |

with the disciplinary regulations governing their respective parent organization.

### PART III

#### Detained Persons

##### General

**10.** (1) The purpose of detention centres shall be to provide for the secure but humane accommodation of detained persons in a regime allowing as much freedom as possible, consistent with maintaining a safe and secure environment.

Purpose of detention centres.

(2) Due recognition will be given at detention centres 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.

##### Admission and Discharge

**11.** (1) Detainees shall be provided with a document (to be known as the "compact") setting out certain rights to be enjoyed and responsibilities to be undertaken by detained persons during their stay at the detention centres.

Information to detained persons about these regulations and the detention centre.

(2) The compact shall in no way prejudice any other rights or responsibilities of detained persons as set out in these regulations, any local or international human rights instrument, or otherwise.

(3) Every detained person shall be provided, as soon as possible after his reception into a detention centre, with a copy of the compact together with information in writing about those provisions in these regulations and other matters about life in the detention centre which is necessary that he should know, including information about the proper method of making requests and complaints at the centre.

(4) In the case of a detained person who cannot read or appears to have difficulty in understanding the information so provided, the officer in charge, or an officer deputising for the officer in charge, shall so explain it to him in order that he can understand his rights and responsibilities.

(5) The compact shall be translated into the languages that the Minister may establish.

(6) A copy of these regulations shall be made available to any detained person who requires it.

**12.** (1) For purposes of identification and welfare, a personal record for each detained person shall be prepared and maintained.

Record, photograph and fingerprinting.

(2) This record shall include such details and measurements of external physical characteristics as the Head Detention Services may direct, but no copy of the record shall be given to any person not authorised by the Minister to receive it.

(3) Every detained person may be photographed on reception and subsequently as many times as may be required by the Principal Immigration Officer, but no copy of any photographs

taken shall be given to any person not authorised by the Principal Immigration Officer to receive it.

(4) Any detained person may have his fingerprints taken if specifically directed by the Principal Immigration Officer.

Detained persons' property.

**13.** (1) Every detained person shall be entitled to retain all his personal property, other than cash, for his own use at the detention centre save where such retention is contrary to the interests of safety or security or is incompatible with the storage facilities provided at the centre.

(2) Anything, other than cash, which a detained person has at a detention centre and which he is not allowed to retain for his own use as provided in sub-regulation (1) shall be taken into the custody of the officer in charge.

(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) A detained person may have supplied to him and retain for his own use books, newspapers, writing materials and other relevant materials, except any that appears objectionable to the officer in charge or the Head Detention Services on grounds that it is likely to give offence to others.

(5) Any cash shall be deposited with the Principal Immigration Officer or Head Detention Services 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.

(6) A detained person shall, exceptionally and following the authorisation to be given by the Principal Immigration Officer or Head Detention Services, be entitled to access any cash deposited with the Principal Immigration Officer or Head Detention Services for safekeeping under sub-regulation (5).

(7) Any property or cash which a detained person has deposited with, or surrendered to, the Principal Immigration Officer or Head Detention Services in accordance with these regulations shall be returned to the detained person upon his discharge from the detention centre.

(8) Any article belonging to a detained person who either dies or which remains unclaimed for a period of more than one year after his discharge from the detention centre, shall be sold and the net proceeds of the sale shall be used for the operating expenses of the detention centres.

(9) The officer in charge may confiscate any unauthorised article found in the possession of a detained person after his reception into a detention centre, or concealed or deposited anywhere within the centre.

Search.

**14.** (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 detention centre and subsequently as the officer in charge thinks necessary, or as the Head Detention Services 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 of the opposite sex.

(4) Sub-regulations (2) and (3) apply to searches by officers acting in accordance with escort arrangements as well as to those exercising detention functions.

**15.** (1) A detained person who is being taken to or from a detention centre shall be as minimally as possible exposed to public observation and due care shall be taken so that such person be protected from curiosity and insults. Custody outside detention centres.

(2) A detained person required to be taken in custody anywhere outside a detention centre shall be kept in the custody of an officer appointed to escort him or a police officer. Arrangements while under escort may entail hand-cuffing while in transit including escorting to the hospital or medical clinics.

**16.** (1) The Head Detention Services shall provide a detained person enquiring on his case, with an update on the progress of any relevant matter relating to him as follows when this is made available. Detention reviews and up-date of claim.

(2) For the purposes of sub-regulation (1) "relevant manner" means any of the following:

- (a) a claim for asylum in terms of the Refugees Act; Cap. 420.
- (b) an application for, or for the variation of, leave to enter or remain in Malta in terms of the Act;
- (c) the proposed removal or deportation of the detained person from Malta in terms of the Act;
- (d) an application to the Refugees Appeals Board in terms of the Refugees Act; Cap. 420.
- (e) an application to the Immigration Appeals Board in terms of the Act;
- (f) 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 (e).

**17.** Subject to the provisions of regulation 11, female detained persons shall be provided with sleeping accommodation separate from male detained persons. Female detained persons.

**18.** (1) Detained family members shall be entitled to enjoy family life at the detention centre save to the extent necessary in the interests of security and safety. Families.

(2) Everything reasonably necessary for detained persons' protection, safety and well-being shall be provided.

## Welfare and Privileges

Clothing.

**19.** (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 of sufficient clean clothing to them from outside the detention centre.

(2) Where necessary, all detained persons shall be provided with clothing adequate for warmth and to ensure the detained persons' health in accordance with arrangements approved by the Minister.

(3) Where required, non-governmental organizations shall be permitted to distribute clothing to all detained persons in accordance with arrangements approved by the Head Detention Services.

(4) Facilities for the washing and drying of items of clothing shall be provided.

Food.

**20.** (1) Subject to any directions of the Head Detention Services, no detained person shall be allowed, except as authorised by the medical practitioner, to have any food other than that ordinarily provided.

(2) No detained person shall be given less food than is ordinarily provided, except with his written consent and upon the written recommendation of the medical practitioner.

(3) The food provided shall:

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

(4) The officer in charge of a centre shall, at regular intervals, inspect the food and shall report any deficiency or defect to the Head Detention Services.

(5) For the purpose of this regulation, any reference to food shall also be deemed to include drinks.

Alcohol.

**21.** No detained person shall be allowed to have any intoxicating liquor.

Certification of accommodation.

**22.** (1) In every detention centre sufficient accommodation shall be provided for all detained persons, as the Minister may direct:

Provided that accommodation must have adequate lighting, heating, ventilation and fittings adequate for health.

(2) No room shall be used for the purpose of:

- (a) removal from association under regulation 44;
- (b) temporary confinement under regulation 46; or
- (c) application of special control or restraint under regulation 47 unless the Head Detention Services has certified that its lighting, heating, ventilation and

fittings are adequate for health and that it allows the detained person to communicate at any time with an officer.

**23.** (1) Every detained person shall have proper regard for personal hygiene in their own interests and the interests of others. Hygiene.

(2) Every detained person shall be provided with toilet articles necessary for his health and cleanliness, which shall be replaced as necessary.

(3) Separate male and female facilities shall be provided for every detained person to have a bath or shower on a regular basis.

(4) Facilities shall be provided to male detained persons to permit daily shaving.

(5) Facilities shall be provided to allow detained persons to have their hair cut on a regular basis.

(6) No detained person shall be required to have his or her hair cut without consent.

**24.** (1) All detained persons shall be provided with an opportunity to participate in activities to meet, as far as possible, their recreational needs. Regime and paid activity.

(2) Wherever reasonably possible the development of skills and of services to the detention centre and to the community should be encouraged.

(3) Detained persons shall be entitled to undertake paid activities in so far as the opportunity to do so is provided by the Head Detention Service.

(4) Detained persons undertaking activities under sub-regulation (3) shall be paid at rates approved by the Minister, either generally or in relation to particular cases.

(5) Every detained person able to take part in educational activities provided at a detention centre shall be encouraged to do so.

(6) Programmes of educational classes may be provided at every detention centre.

(7) Arrangements shall be made for each detained person to have the opportunity of taking part in physical education or recreation, which shall consist of both sports and health-related activities.

(8) A library shall be provided in every detention centre, which shall meet a range of cultural, ethnic and linguistic needs and, subject to any direction of the Minister in any particular case, every detained person shall be allowed access to it at reasonable times.

**25.** (1) Subject to sub-regulation (2), a detained person shall be given the opportunity to spend at least one hour in the open air every day. Time in open air.

(2) Time in the open air may be refused in exceptional circumstances where necessary in the interests of safety or security.

Privileges.

**26.** (1) At every detention centre all detained persons shall have access to a system of privileges approved by the Minister, which shall include arrangements under which they may spend their money within the detention centre.

(2) Systems of privileges approved under sub-regulation (1) may include arrangements under which privileges may be granted to detained persons only in so far as they have met, and for so long as they continue to meet, specified standards of behaviour whether under the compact, these regulations or otherwise.

(3) Systems of privileges which include arrangements of the kind referred to in sub-regulation (2) shall include procedures to be followed in determining whether or not any of the privileges concerned shall be granted to a detained person and such procedures shall include a requirement that the detained person be given reasons for any decision adverse to him.

(4) This regulation shall be without prejudice to any other provision of these regulations which provides that a privilege may be forfeited or otherwise lost or a detained person deprived of association with other detained persons.

#### Religion

Diversity of religion.

**27.** The practice of religion in detention centres shall take account of the diverse cultural and religious background of detained persons.

Religious denomination.

**28.** If a detained person wishes to declare himself to belong to a particular religion, the officer in charge shall upon that person's reception at the detention centre record the religion to which the detained person wishes to belong.

Authority for ministers of religion to gain access to detention centres.

**29.** Religious organizations may request access to detention centres to the Head Detention Service who may grant such access on a case by case basis in consultation with the Principal Immigration Officer.

#### Communications

Outside contacts.

**30.** In accordance with regulations 31, 32 and 52, detained persons shall be entitled to visits from, or communications with, authorised persons and representatives of non-governmental organizations, save to the extent necessary in the interests of security or safety.

Correspondence.

**31.** (1) Every detained person may send and receive as many letters as he wishes.

(2) A detained person shall on request be provided with any writing materials necessary for the purposes of sending letters pursuant to sub-regulation (1).

(3) No letter or other communication to or from a detained person may be opened, read or stopped save where the officer in charge has reasonable cause to believe that its contents may endanger the security of the detention centre or the safety of others or are otherwise of a criminal nature or where it is not possible to



determine the addressee or sender without opening the correspondence.

(4) Detained persons will 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 sub-regulation (3).

(5) The Head Detention Service shall bear the postage expense of any letter to the European Court of Human Rights, the European Court of Justice, the Courts of Malta, the Refugee Appeals Board, the Immigration Appeals Board or an adjudicator or any court entitled to hear an appeal against a decision of those bodies.

**32.** (1) In the interests of security and safety, every visit to a detained person shall take place in accordance with the directions of the officer in charge or as the Head Detention Services may direct. Visits.

(2) No person visiting a detained person at a detention centre shall be permitted to take a photograph whilst there without the permission of the Head Detention Services.

**33.** A police officer, immigration officer or any other government official may interview any detained person who has made a request to such effect or who has been convened to sit for an interview. Official interviews.

**34.** 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. Legal advisers and representatives.

**35.** (1) All detained persons shall have access to public telephones at the detention centres. Use of telephones.

(2) The Head Detention Services may bear the expense of any telephone calls, within reasonable limits, by providing phone cards to all detained persons.

**36.** (1) Any money or other article, other than a letter or other communication, sent to a detained person through the post shall be dealt with in accordance with the provisions of this regulation, and the detained person shall be informed of the manner in which it is dealt with. Money or articles received by post.

(2) Any monies shall, at the discretion of the officer in charge, be -

(a) dealt with in accordance with regulation 13(5) or (6);  
or

(b) returned to the sender if known.

(3) Any other article to which this regulation applies shall, at the discretion of the officer in charge, be -

(a) delivered to the detained person; or

(b) returned to the sender if known.

## Health Care

- Medical officers. **37.** (1) Every detention centre shall have reasonable access to a medical officer.
- (2) Each medical officer shall pay special attention to the need to recognise medical conditions which might be found among a diverse population and the cultural sensitivity appropriate when performing his duties.
- (3) Every request by a detained person to see the medical officer shall be recorded by the officer to whom it is made and forthwith passed to the medical officer or nursing staff responsible for the detention centre.
- (4) The medical officer shall ensure that all medical records relating to a detained person are forwarded as appropriate following his transfer to another detention centre. Immediately prior to discharge from the detention centre the department responsible for health shall inform the Principal Immigration Officer about the detained person's medical clearance.
- Medical examination upon admission and thereafter. **38.** Every detained person shall be given a medical examination by the medical officer or another registered medical practitioner as soon as possible after his admission to the detention centre.
- Special illnesses and conditions including maltreatment claims. **39.** (1) The medical officer shall report to the officer in charge on the case of any detained person whose health is likely to be injuriously affected by continued detention or any conditions of detention.
- (2) The medical officer shall report to the officer in charge on the case of any detained person he suspects of having suicidal intentions, and the detained person shall be placed under special observation at a mental health facility for so long as those suspicions remain, and a record of his treatment and condition shall be kept throughout that time in a manner to be determined by the Head Detention Services.
- (3) The medical officer shall report to the officer in charge on the case of any detained person who he is concerned may have been the victim of maltreatment.
- (4) The Head Detention Services shall render a monthly report to the Minister on any incidents arising from sub-regulations (1), (2) or (3):
- Provided that where any incident arising under sub-regulations (1), (2) or (3) is of such a serious nature as to require an immediate report, this shall be sent to the Minister without delay.
- (5) The medical officer shall pay special attention to any detained person whose mental condition appears to require it, and make any special arrangements including counselling arrangements which appear necessary for his supervision or care.
- Notification of illness or death. **40.** (1) If a detained person dies, becomes seriously ill, sustains any severe injury or is removed to hospital on account of mental disorder, the officer in charge shall inform the Principal

Immigration Officer who shall inform the Minister without delay and shall at once inform:

- (a) the detained person's spouse or next of kin if the detained person knows 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 Head Detention Services is under a duty to inform the detained person's spouse or next of kin under sub-regulation (1), this shall be done in person by the appropriate officer wherever it is reasonably practical to do so.

(3) Without prejudice to sub-regulation (1), if a detained person dies, the officer in charge shall give notice immediately to the police.

**41.** (1) This regulation applies where an officer, acting under an authorisation given by the officer in charge, requires a detained person to submit to a medical examination for the purposes of determining whether he is suffering from a disease.

Medical examinations required in the interests of others.

(2) A detained person who has been required to submit to a medical examination shall, so far as is reasonably practicable, be asked to consent to the examination and be informed by the examining medical practitioner of the nature of the disease from which there are reasonable grounds to believe he is suffering.

#### Requests and Complaints

**42.** (1) A request or complaint to the Head Detention Services, the officer in charge, Principal Immigration Officer or the Minister relating to a detained persons' detention shall be made orally or in writing by the detained person, or his legal representative, in accordance with such procedures as may be approved by the Head Detention Services.

Requests and complaints.

(2) The officer in charge shall hear any requests and complaints that are made to him under sub-regulation (1).

(3) Any written request or complaint made under sub-regulation (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 IV

##### Maintenance of Security and Safety

**43.** (1) Security shall be maintained, but with no more restriction than is required for safe custody and a well ordered community life. Daily roll-calls shall be held to establish the presence of individuals in the detention centre.

General security and safety.

(2) A detained person shall not behave in any way which might endanger the health or personal safety of others.

(3) A detained person shall not behave in any way which is inconsistent with his responsibilities under the compact established in regulation 11(1).

(4) A detained person shall not be employed in any disciplinary capacity.

Removal from association.

**44.** (1) 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 officer in charge may, after consultation with the Head Detention Services, arrange for the detained person's removal from association accordingly.

(2) A detained person shall not be removed under this regulation for a period of more than twenty-four hours without the authority of the Head Detention Services.

(3) An authority under sub-regulation (2) shall be for a period not exceeding six days.

(4) Notice of removal from association under this regulation shall be given without delay to the medical officer.

(5) If in any case the medical officer so advises on medical grounds, the officer in charge may arrange at his discretion for such a detained person as aforesaid to resume association with other detained persons.

(6) Particulars of every case of removal from association shall be recorded by the officer in charge in a manner to be directed by the Head Detention Services.

Use of force.

**45.** (1) An 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 officer in charge in a manner to be directed by the Head Detention Services.

Temporary confinement.

**46.** (1) The officer in charge 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) A detained person shall not be confined in special accommodation for longer than twenty-four hours without a direction in writing given by the Head Detention Services.

(3) The direction shall state the grounds for the confinement and the time during which it may continue which in all cases shall not exceed three days.

(4) Notice of the direction shall be given without delay to the medical practitioner.

(5) Particulars of every case of temporary confinement shall be recorded by the officer in charge in a manner to be directed by the Head Detention Services.

(6) The officer in charge and the medical practitioner shall visit

all detained persons in temporary confinement on a regular basis for as long as they remain so confined.

47. (1) The officer in charge may order a detained person to be put under special control or restraint where this is necessary on grounds of security, to prevent the detained person from injuring himself or others, damaging property or creating a disturbance. Special control or restraint.

(2) Notice of such an order shall be given without delay to the medical practitioner.

(3) On receipt of the notice the medical officer shall inform the officer in charge whether there are any medical reasons why the detained person should not be put under special control or restraint and the officer in charge shall give effect to any recommendation which the medical officer may make.

(4) A detained person shall not be kept under special control or restraint longer than necessary, nor shall he be so kept for longer than twenty-four hours without a direction in writing given by the Head Detention Services.

(5) A direction given under sub-regulation (4) shall state the grounds for the special control or restraint and the time during which it may continue.

(6) Particulars of every case of special control or restraint shall be recorded by the officer in charge in a manner to be directed by the Head Detention Services.

(7) The officer in charge and the medical officer shall visit any detained person placed under special control and restraint at reasonable intervals during every twenty-four hour period for so long as the special control or restraint continues to be applied.

(8) Saving the other provisions of this regulation, no detained person shall be put under special control or restraint otherwise than for safe custody, to give effect to directions lawfully given for his removal from Malta, or on medical grounds by direction of the medical officer.

(9) No detained person shall be put under special control or restraint as a punishment.

(10) Any means of special control or restraint shall be of a pattern authorised by the Head Detention Services and shall be used in such manner and under such conditions as the Head Detention Services may direct.

48. (1) This regulation applies when an officer, acting under an authorisation given by the Head Detention Services, requires a detained person to provide a sample for the purpose of ascertaining whether he has a controlled drug or alcohol in his body. Compulsory testing for controlled drugs and alcohol.

(2) In this regulation, "sample" means a sample of urine or breath or any other description of sample specified in the authorisation.

(3) The officer shall not require a sample to be taken unless there are reasonable grounds for believing that the detained person

has a controlled drug or alcohol in his body.

(4) When requiring a detained person to provide a sample, the officer shall inform the detained person that he is being required to provide a sample.

(5) The officer shall require the detained person to provide a fresh sample, free from any adulteration.

(6) An officer requiring a sample shall make such arrangements and give the detained person such instructions for its provision as may be reasonably necessary in order to prevent or detect its adulteration or falsification.

(7) A detained person who is required to provide a sample may be kept apart from other detained persons for a period not exceeding one hour to enable arrangements to be made for the provision of the sample.

(8) A detained person who is unable to provide a sample of urine when required to do so may be kept apart from other detained persons until he has provided the required sample, save that the detained person may not be kept apart under this sub-regulation for more than five hours.

(9) A detained person required to provide a sample of urine shall be afforded such degree of privacy for the purposes of providing the sample as may be compatible with the need to prevent or detect any adulteration or falsification of the sample and in particular a detained person shall not be required to provide such a sample in the sight of a person of the opposite sex.

## PART V

### Persons having Access to Detention Centres

Authorisation for access to detention centres.

**49.** (1) No person shall have access to a detention centre unless authorised by the Head Detention Services or the Principal Immigration Officer acting on the advice of the Minister.

(2) Representatives of international organisations and non-governmental organisations shall have access to detained persons after obtaining the authorisation of the Head Detention Services or the Principal Immigration Officer acting on the advice of the Minister.

Prohibited articles.

**50.** (1) No person shall, without authority, convey into or throw into or deposit in a detention centre, or convey or throw out of a detention centre, 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 whatsoever.

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

Control of persons and vehicles.

**51.** (1) Any person or vehicle entering a detention centre may be stopped, examined and searched.

(2) Any search of a person under sub-regulation (1) shall be carried out in as seemly a manner as is consistent with discovering

anything concealed.

(3) The officer in charge may direct the removal from a detention centre of any person who does not leave on being required to do so.

**52.** No outside person shall be permitted to enter a detention centre unless authorised to do so by the Minister.

Viewing of  
detention centres.

**53.** (1) Without prejudice to any other powers to prohibit or restrict entry to detention centres, the Minister 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 detention centre or to a detained person in a detention centre for such periods of time as he considers necessary.

Visitors.

(2) Except in the most exceptional circumstances and after due authorisation by the Principal Immigration Officer, sub-regulation (1) shall not apply with a view to preventing any visit by a legal adviser for the purpose of an interview under regulation 34.

## PART VI

### Discharge of Detained Persons

**54.** On notification of the date of release by the Principal Immigration Officer, the Head Detention Service will inform the officer in charge when an individual is due for discharge and will make arrangements for his transfer to an open accommodation centre or other accommodation as appropriate.

Discharge from  
detention centre.

**55.** The Head Detention Service may, with the authorisation of the Minister, delegate any of the powers and duties under these regulations to another officer of the detention service.

Delegation of  
powers.

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