VERŻJONI ELETTRONIKA

L.N. 425 of 2015

IMMIGRATION ACT
(CAP. 217)

Board of Visitors for Detained Persons (Amendment) Regulations, 2015

IN exercise of the powers conferred by article 36 of the Immigration Act, the Minister for Home Affairs and National Security has made the following regulations:-

1. The title of these regulations is the Board of Visitors for Detained Persons (Amendment) Regulations, 2015, and these regulations shall be read and construed as one with the Board of Visitors for Detained Persons Regulations, hereinafter referred to as "the principal regulations". Citation. S.L. 217.08.

2. In the title and in regulation 1 of the principal regulations, for the words "Board of Visitors for Detained Persons" there shall be substituted the words "Monitoring Board for Detained Persons". Amends the title and regulation 1 of the principal regulations.

3. Regulation 2 of the principal regulations shall be amended as follows: Amends regulation 2 of the principal regulations.

(a) sub-regulation (1) thereof shall be substituted by the following:

"(1) There shall be a Monitoring Board for Detained Persons, hereinafter referred to as "the Board", composed of a Chairman, a minimum of two and a maximum of four members, including the secretary, which members shall be appointed every second year, by the Minister responsible for immigration, hereinafter referred to as "the Minister."; and

(b) sub-regulation (2) thereof shall be substituted by the following:

"(2) Members of the Board shall be eligible for re-appointment and shall be nominated from amongst persons who are preferably experienced in law or human rights or social science or immigration fields, and may include members of non-governmental organisations.".

4. Regulation 4 of the principal regulations shall be amended as follows: Amends regulation 4 of the principal regulations.

(a) sub-regulation (3) thereof shall be substituted by the following:

"(3) The meetings of the Board shall be presided by the Chairperson or, in his absence, another member appointed by the Board to preside the meeting.";

(b) sub-regulation (4) thereof shall be substituted by the following:

"(4) The officer responsible for the administration of places of migration detention, hereinafter referred to as "the Head", may attend the whole or any part of a meeting of the Board if so invited by the Board and shall give to the Board any information it may require for the due exercise of its functions.";

(c) in sub-regulation (5) thereof, for the words "confirmed by the Secretary." there shall be substituted the words "confirmed by the Secretary:", and immediately thereafter there shall be added the following new proviso:

"Provided that it shall be the responsibility of the Board to retain all relevant information, including minutes of meetings and of interviews with detainees, reports of visits and inspections and any other document in order that they are made available to the Committees established by the Optional Protocol to the Convention against Torture."; and

(d) in sub-regulation (6) thereof, for the words "by one or more of the Board's members" there shall be substituted the words "by two or more of the Board's members".

Amends regulation 5 of the principal regulations.

5. In sub-regulation (7) of regulation 5 of the principal regulations, for the words "three members" there shall be substituted the words "two members".

Amends regulation 9 of the principal regulations.

6. In sub-regulation (3) of regulation 9 of the principal regulations, for the words "four consecutive meetings" there shall be substituted the words "three consecutive meetings".

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