



Immigration Act 2014

2014 CHAPTER 22

PART 5

OVERSIGHT

Police Ombudsman for Northern Ireland

64 Police Ombudsman for Northern Ireland

After section 60ZA of the Police (Northern Ireland) Act 1998 insert—

“60ZB Immigration and customs enforcement functions

- (1) The Ombudsman and the Secretary of State may enter into an agreement to establish, in relation to the exercise of specified enforcement functions by relevant officials, procedures which correspond to or are similar to any of those established by virtue of this Part.
- (2) Where no such procedures are in force in relation to a particular kind of relevant official, the Secretary of State may by order establish such procedures in relation to the exercise of specified enforcement functions by that kind of relevant official.
- (3) “Relevant officials” means—
 - (a) immigration officers and other officials of the Secretary of State exercising functions relating to immigration or asylum;
 - (b) designated customs officials, and officials of the Secretary of State, exercising customs functions (within the meaning of Part 1 of the Borders, Citizenship and Immigration Act 2009);
 - (c) the Director of Border Revenue exercising customs revenue functions (within the meaning of that Part of that Act), and persons exercising such functions of the Director;

Status: This is the original version (as it was originally enacted).

- (d) persons providing services pursuant to arrangements relating to the discharge of a function within paragraph (a), (b), or (c).
- (4) “Enforcement functions” includes, in particular—
 - (a) powers of entry,
 - (b) powers to search persons or property,
 - (c) powers to seize or detain property,
 - (d) powers to arrest persons,
 - (e) powers to detain persons, and
 - (f) powers to examine persons or otherwise to obtain information (including powers to take fingerprints or to acquire other personal data).
- (5) “Specified” means specified in an agreement under subsection (1) or an order under subsection (2).
- (6) “Immigration officer” means a person appointed under paragraph 1(1) of Schedule 2 to the Immigration Act 1971.

60ZC Section 60ZB: supplementary

- (1) An agreement under section 60ZB may at any time be varied or terminated—
 - (a) by the Secretary of State, or
 - (b) by the Ombudsman, with the consent of the Secretary of State.
- (2) Before making an order under section 60ZB the Secretary of State must consult the Ombudsman and such persons as the Secretary of State thinks appropriate.
- (3) An agreement or order under section 60ZB may provide for payment by the Secretary of State to or in respect of the Ombudsman.
- (4) An agreement or order under section 60ZB must relate only to the exercise of enforcement functions—
 - (a) wholly in Northern Ireland, or
 - (b) partly in Northern Ireland and partly in another part of the United Kingdom.
- (5) An agreement or order under section 60ZB must relate only to the exercise of enforcement functions on or after the day on which the agreement or order is made.
- (6) An agreement or order under section 60ZB must not provide for procedures in relation to so much of any complaint or matter as relates to functions conferred by or under Part 8 of the Immigration and Asylum Act 1999 (detained persons & removal centres etc.).”