

SCHEDULES

SCHEDULE 1

ENFORCEMENT POWERS

Power to search detained persons

- 2 (1) In Schedule 2 to the Immigration Act 1971, after paragraph 18 insert—
- “18A (1) An immigration officer or constable may search a person (“P”) who is detained under paragraph 16 for anything which P might use—
- (a) to cause physical injury to P or others, or
 - (b) to assist P’s escape from legal custody.
- (2) The power to search P—
- (a) unless sub-paragraph (3) applies, does not include power to require P to remove any clothing other than an outer coat, jacket or glove, but
 - (b) includes power to require P to open P’s mouth.
- (3) This sub-paragraph applies if an immigration officer or constable has reasonable grounds to believe that there is concealed on P anything which P might use as mentioned in sub-paragraph (1).
- (4) The power to search P may be exercised only to the extent reasonably required for the purpose of discovering anything which P might use as mentioned in sub-paragraph (1).
- (5) An intimate search (as defined in section 28H(11)) may not be conducted under this paragraph.
- (6) An immigration officer or constable may seize and retain anything found on a search of P if the officer or constable has reasonable grounds to believe P might use it as mentioned in sub-paragraph (1).
- (7) Nothing seized under sub-paragraph (6) may be retained when P is released from detention under paragraph 16.”
- (2) In paragraph 2(4) of Schedule 3 to the Immigration Act 1971 (which applies certain provisions of Schedule 2 to that Act), for “, 18” substitute “to 18A”.
- (3) In section 10(7) of the Immigration and Asylum Act 1999 (which applies certain provisions of Schedule 2 to the Immigration Act 1971), for “18” substitute “18A”.
- (4) In section 47(3) of the Immigration, Asylum and Nationality Act 2006 (which applies certain provisions of Schedule 2 to the Immigration Act 1971), for “18” substitute “18A”.

Status: This is the original version (as it was originally enacted).

- (5) In regulation 22(2) of the Immigration (European Economic Area) Regulations 2006 (S.I. 2006/1003) (which applies certain provisions of Schedule 2 to the Immigration Act 1971), for “18” substitute “18A”.