



Immigration Act 1971

1971 CHAPTER 77

[^{F1}PART 3A

MARITIME ENFORCEMENT

Textual Amendments

- F1** Pt. 3A inserted (31.5.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 14 para. 7](#); S.I. 2016/603, reg. 2(d)

28M Enforcement powers in relation to ships: England and Wales

- (1) An immigration officer, an English and Welsh constable or an enforcement officer may exercise the powers set out in Part 1 of Schedule 4A (“Part 1 powers”) in relation to any of the following in England and Wales waters—
 - (a) a United Kingdom ship;
 - (b) a ship without nationality;
 - (c) a foreign ship;
 - (d) a ship registered under the law of a relevant territory.
- (2) But Part 1 powers may be exercised only—
 - (a) for the purpose of preventing, detecting, investigating or prosecuting an offence under section 25, 25A or 25B, and
 - (b) in accordance with the rest of this section.
- (3) The authority of the Secretary of State is required before an immigration officer, an English and Welsh constable or an enforcement officer may exercise Part 1 powers in relation to a foreign ship, or a ship registered under the law of a relevant territory, within the territorial sea adjacent to the United Kingdom.
- (4) Authority for the purposes of subsection (3) may be given in relation to a foreign ship only if the Convention permits the exercise of Part 1 powers in relation to the ship.

Status: Point in time view as at 25/01/2018.

Changes to legislation: Immigration Act 1971, PART 3A is up to date with all changes known to be in force on or before 10 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Modifications etc. (not altering text)

- C1** Ss. 24-29: amendment to earlier affecting S.I. 1993/1797, Sch. 1 Pt. 1 (11.10.2017 coming into force in accordance with art. 1) by [The Immigration \(Jersey\) \(Amendment\) Order 2017 \(S.I. 2017/981\)](#), [Sch. Pt. 1 para. 1](#) (with [art. 6](#))

28N Enforcement powers in relation to ships: Scotland

- (1) An immigration officer, a Scottish constable or an enforcement officer may exercise the powers set out in Part 2 of Schedule 4A (“Part 2 powers”) in relation to any of the following in Scotland waters—
 - (a) a United Kingdom ship;
 - (b) a ship without nationality;
 - (c) a foreign ship;
 - (d) a ship registered under the law of a relevant territory.
- (2) But Part 2 powers may be exercised only—
 - (a) for the purpose of preventing, detecting, investigating or prosecuting an offence under section 25, 25A or 25B, and
 - (b) in accordance with the rest of this section.
- (3) The authority of the Secretary of State is required before an immigration officer, a Scottish constable or an enforcement officer may exercise Part 2 powers in relation to a foreign ship, or a ship registered under the law of a relevant territory, within the territorial sea adjacent to the United Kingdom.
- (4) Authority for the purposes of subsection (3) may be given in relation to a foreign ship only if the Convention permits the exercise of Part 2 powers in relation to the ship.

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28O Enforcement powers in relation to ships: Northern Ireland

- (1) An immigration officer, a Northern Ireland constable or an enforcement officer may exercise the powers set out in Part 3 of Schedule 4A (“Part 3 powers”) in relation to any of the following in Northern Ireland waters—
 - (a) a United Kingdom ship;
 - (b) a ship without nationality;
 - (c) a foreign ship;
 - (d) a ship registered under the law of a relevant territory.
- (2) But Part 3 powers may be exercised only—
 - (a) for the purpose of preventing, detecting, investigating or prosecuting an offence under section 25, 25A or 25B, and
 - (b) in accordance with the rest of this section.

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- (3) The authority of the Secretary of State is required before an immigration officer, a Northern Ireland constable or an enforcement officer may exercise Part 3 powers in relation to a foreign ship, or a ship registered under the law of a relevant territory, within the territorial sea adjacent to the United Kingdom.
- (4) Authority for the purposes of subsection (3) may be given in relation to a foreign ship only if the Convention permits the exercise of Part 3 powers in relation to the ship.

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28P Hot pursuit of ships in United Kingdom waters

- (1) An immigration officer, an English and Welsh constable or an enforcement officer may exercise Part 1 powers in relation to a ship in Scotland waters or in Northern Ireland waters if—
 - (a) the ship is pursued there,
 - (b) immediately before the pursuit of the ship, the ship was in England and Wales waters, and
 - (c) the condition in subsection (7) is met.
- (2) Part 1 powers may be exercised under subsection (1) only—
 - (a) for the purpose mentioned in subsection (2)(a) of section 28M, and
 - (b) (if relevant) in accordance with subsections (3) and (4) of that section.
- (3) An immigration officer, a Scottish constable or an enforcement officer may exercise Part 2 powers in relation to a ship in England and Wales waters or in Northern Ireland waters if—
 - (a) the ship is pursued there,
 - (b) immediately before the pursuit of the ship, the ship was in Scotland waters, and
 - (c) the condition in subsection (7) is met.
- (4) Part 2 powers may be exercised under subsection (3) only—
 - (a) for the purpose mentioned in subsection (2)(a) of section 28N, and
 - (b) (if relevant) in accordance with subsections (3) and (4) of that section.
- (5) An immigration officer, a Northern Ireland constable or an enforcement officer may exercise Part 3 powers in relation to a ship in England and Wales waters or in Scotland waters if—
 - (a) the ship is pursued there,
 - (b) immediately before the pursuit of the ship, the ship was in Northern Ireland waters, and
 - (c) the condition in subsection (7) is met.
- (6) Part 3 powers may be exercised under subsection (5) only—
 - (a) for the purpose mentioned in subsection (2)(a) of section 28O, and
 - (b) (if relevant) in accordance with subsections (3) and (4) of that section.

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- (7) The condition referred to in subsection (1)(c), (3)(c) and (5)(c) is that—
- (a) before the pursuit of the ship, a signal is given for it to stop, and
 - (b) the pursuit of the ship is not interrupted.
- (8) The signal referred to in subsection (7)(a) must be given in such a way as to be audible or visible from the ship.
- (9) For the purposes of subsection (7)(b), pursuit is not interrupted by reason only of the fact that—
- (a) the method of carrying out the pursuit, or
 - (b) the identity of the ship or aircraft carrying out the pursuit,
- changes during the course of the pursuit.
- (10) Nothing in this Part affects any other legal right of hot pursuit that a constable or an enforcement officer may have.

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28Q Interpretation of Part 3A

- (1) In this Part—

“the Convention” means the United Nations Convention on the Law of the Sea 1982 (Cmnd 8941) and any modifications of that Convention agreed after the passing of this Act that have entered into force in relation to the United Kingdom;

“enforcement officer” means—

- (a) a person who is a commissioned officer of any of Her Majesty's ships, or
- (b) a person in command or charge of any aircraft or hovercraft of the Royal Navy, the Army or the Royal Air Force;

“England and Wales waters” means the sea and other waters within the seaward limits of the territorial sea adjacent to England and Wales;

“English and Welsh constable” means only a person who is—

- (a) a member of a police force in England and Wales,
- (b) a member of the British Transport Police Force, or
- (c) a port constable, within the meaning of section 7 of the Marine Navigation Act 2013, or a person appointed to act as a constable under provision made by virtue of section 16 of the Harbours Act 1964;

“foreign ship” means a ship which—

- (a) is registered in a State other than the United Kingdom, or
- (b) is not so registered but is entitled to fly the flag of a State other than the United Kingdom;

“Northern Ireland constable” means only a person who is—

- (a) a member of the Police Service of Northern Ireland,
- (b) a member of the Police Service of Northern Ireland Reserve, or

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- (c) a person appointed as a special constable in Northern Ireland by virtue of provision incorporating section 79 of the Harbours, Docks, and Piers Clauses Act 1847;
 - “Northern Ireland waters” means the sea and other waters within the seaward limits of the territorial sea adjacent to Northern Ireland;
 - “Part 1 powers” means the powers set out in Part 1 of Schedule 4A;
 - “Part 2 powers” means the powers set out in Part 2 of that Schedule;
 - “Part 3 powers” means the powers set out in Part 3 of that Schedule;
 - “relevant territory” means—
 - (a) the Isle of Man;
 - (b) any of the Channel Islands;
 - (c) a British overseas territory;
 - “Scottish constable” means only a person who is a constable, within the meaning of section 99 of the Police and Fire Reform (Scotland) Act 2012 (asp 8);
 - “Scotland waters” means the sea and other waters within the seaward limits of the territorial sea adjacent to Scotland;
 - “ship” includes every description of vessel (including a hovercraft) used in navigation;
 - “ship without nationality” means a ship which—
 - (a) is not registered in, or otherwise entitled to fly the flag of, any State or relevant territory, or
 - (b) sails under the flags of two or more States or relevant territories, or under the flags of a State and relevant territory, using them according to convenience;
 - “United Kingdom ship” means a ship which—
 - (a) is registered under Part 2 of the Merchant Shipping Act 1995,
 - (b) is a Government ship within the meaning of that Act,
 - (c) is not registered in any State or relevant territory but is wholly owned by persons each of whom has a United Kingdom connection, or
 - (d) is registered under an Order in Council under section 1 of the Hovercraft Act 1968.
- (2) For the purposes of paragraph (c) of the definition of “United Kingdom ship” in subsection (1), a person has a “United Kingdom connection” if the person is—
- (a) a British citizen, a British overseas territories citizen or a British Overseas citizen,
 - (b) an individual who is habitually resident in the United Kingdom, or
 - (c) a body corporate which is established under the law of a part of the United Kingdom and has its principal place of business in the United Kingdom.]

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