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SCHEDULES

SCHEDULE 2

ADMINISTRATIVE PROVISIONS AS TO CONTROL ON ENTRY ETC.

Modifications etc. (not altering text)

- C1** Sch. 2 modified (10.6.1991) by [Criminal Justice \(International Co-operation\) Act 1990 \(c. 5, SIF 39:1\), s. 6\(6\)\(b\)](#); [S.I. 1991/1072, art. 2, Sch. Pt. I](#)
- C1** Sch. 2 modified (2.8.1993) by [S.I. 1993/1813, arts. 7\(1\), 1, Sch. 4 para. 1\(11\)](#) (as amended: (1.12.1997) by [S.I. 1994/1405, art. 8, Sch. 4 para. 11](#); (30.7.2000) by [S.I. 2000/1775, arts. 1, 2\(2\)](#); (25.5.2001) by [S.I. 2001/1544, arts. 1\(2\), 6\(3\)](#) (as itself amended (2.1.2008) by [S.I. 2007/3579, art. 2\(2\)\(3\)](#)); (5.8.2014) by [S.I. 2014/1814, arts. 1, 2\(3\)\(4\)](#); and (30.9.2020) by [S.I. 2020/915, arts. 1\(2\), 5\(5\)](#))
Sch. 2 extended (with modifications): (Guernsey) (1.8.1993) by [S.I. 1993/1796, art. 3\(1\), Sch. 1 Pt. 1](#); (Jersey) (1.8.1993) by [S.I. 1993/1797, art. 3\(1\), Sch. 1 Pt. 1](#) (as amended (17.10.2012) by [S.I. 2012/2593, arts. 1, 2\(2\)](#))
Sch. 2 applied (20.7.1994) by [S.I. 1994/1895, art. 20\(2\)](#)
Sch. 2 amended (2.10.2000) by [1999 c. 33, s. 66](#); [S.I. 2000/2444, art. 2, Sch. 1](#) (subject to transitional provisions in [art. 3, Sch. 2 para. 2](#))
Sch. 2 extended (10.2.2003) (with modifications) by [2002 c. 41, s. 62\(3\)](#) (with [s. 159](#)); [S.I. 2003/1, art. 2, Sch. 2, Sch.](#)
Sch. 2 amended (1.4.2003) by [2002 c. 41, s. 68](#) (with [s. 159](#)); [S.I. 2003/754, art. 2, Sch. 1](#) (with transitional provisions in [arts. 3, 4, Sch. 2](#)) (as amended by [S.I. 2003/1040](#) and [S.I. 2003/1339](#))
- C1** Sch. 2 applied by [The Immigration \(European Economic Area\) Regulations 2006 \(S.I. 2006/1003\), reg. 24\(4\)](#) (as substituted (1.6.2009) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2009 \(S.I. 2009/1117\), reg. 2, Sch. 1 para. 10\(c\)](#))
- C1** Sch. 2 applied in part (with modifications) by [S.I. 2006/1003, reg. 29AA\(6\)\(7\)](#) (as inserted (28.7.2014) by [The Immigration \(European Economic Area\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/1976\), reg. 1, Sch. para. 8](#) (with [reg. 4](#)))
- C1** Sch. 2 applied (1.2.2017 for specified purposes) by [The Immigration \(European Economic Area\) Regulations 2016 \(S.I. 2016/1052\), regs. 1\(2\)\(b\), 40\(7\), 41\(7\)](#)
- C1** Sch. 2 modified (31.7.2017) by [The Criminal Justice \(European Investigation Order\) Regulations 2017 \(S.I. 2017/730\), regs. 1\(1\), 21\(8\)\(b\)](#) (with [reg. 3](#))
- C1** Sch. 2 modified (31.7.2017) by [The Criminal Justice \(European Investigation Order\) Regulations 2017 \(S.I. 2017/730\), regs. 1\(1\), 55\(7\)\(b\)](#) (with [reg. 3](#))
- C1** Schs. 2-4: 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](#))

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PART I

GENERAL PROVISIONS

Modifications etc. (not altering text)

- C1** Sch. 2 Pt. I applied (with modifications) (2.10.2000) by 1999 c. 33, s. 58(3), **Sch. 4 Pt. II para. 12**; S.I. 2000/2444, art. 2, **Sch. 1** (subject to transitional provisions in art. 3, Sch. 2 para. 2)
 Sch. 2 Pt. I amended (2.10.2000) by 1999 c. 33, s. 58(3), **Sch. 4 Pt. II para. 15**; S.I. 2000/2444, art. 2, **Sch. 1** (subject to transitional provisions in art. 3, Sch. 2 para. 2)
 Sch. 2 Pt. I applied (with modifications) (2.10.2000 with application as mentioned in regs. 9, 28) by S.I. 2000/2326, reg. 32(3)(7) (as substituted (1.4.2003) for reg. 34(3)(10) by S.I. 2003/549, **reg. 2(8)** (with reg. 3))
- C1** Sch. 2 Pt. I applied (1.2.2017 for specified purposes) by **The Immigration (European Economic Area) Regulations 2016** (S.I. 2016/1052), regs. 1(2)(b), **40(4)**

[^{F1} Entry and search of premises]

Textual Amendments

- F1** Heading inserted (14.2.2000) by 1999 c. 33, s. 132(2); S.I. 2000/168, art. 2, **Sch**

[^{F1}25A(1) This paragraph applies if—

- (a) a person is arrested under this Schedule; or
 - (b) a person who was arrested [^{F2}other than under this Schedule] is detained by an immigration officer under this Schedule.
- (2) An immigration officer may enter and search any premises—
- (a) occupied or controlled by the arrested person, or
 - (b) in which that person was when he was arrested, or immediately before he was arrested,
- for relevant documents.
- (3) The power may be exercised—
- (a) only if the officer has reasonable grounds for believing that there are relevant documents on the premises;
 - (b) only to the extent that it is reasonably required for the purpose of discovering relevant documents; and
 - (c) subject to sub-paragraph (4), only if a senior officer has authorised its exercise in writing.
- (4) An immigration officer may conduct a search under sub-paragraph (2)—
- (a) before taking the arrested person to a place where he is to be detained; and
 - (b) without obtaining an authorisation under sub-paragraph (3)(c),
- if the presence of that person at a place other than one where he is to be detained is necessary to make an effective search for any relevant documents.
- (5) An officer who has conducted a search under sub-paragraph (4) must inform a senior officer as soon as is practicable.

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- (6) The officer authorising a search, or who is informed of one under sub-paragraph (5), must make a record in writing of—
- (a) the grounds for the search; and
 - (b) the nature of the documents that were sought.
- [If, on an application made by an immigration officer, a justice of the peace is satisfied
- ^{F3}(6A) that—
- (a) there are reasonable grounds for believing that relevant documents may be found on premises not within sub-paragraph (2) which are [^{F4}mentioned in sub-paragraph (6AA)] , and
 - (b) any of the conditions in sub-paragraph (6B) is met, [^{F5}in relation to each set of premises specified in the application,]
- the justice of the peace may issue a warrant authorising an immigration officer to enter and search the premises.
- [The premises referred to in sub-paragraph (6A) above are—
- ^{F6}(6AA) (a) one or more sets of premises specified in the application, or
- (b) subject to sub-paragraph (6BA), any premises occupied or controlled by a person specified in the application, including such sets of premises as are so specified (in which case the application is for an “all premises warrant”).
- (6AB) If the application is for an all premises warrant, the justice of the peace must also be satisfied—
- (a) that there are reasonable grounds for believing that it is necessary to search premises occupied or controlled by the person in question which are not specified in the application in order to find the relevant documents, and
 - (b) that it is not reasonably practicable to specify in the application all the premises which the person occupies or controls and which might need to be searched.
- (6AC) Subject to sub-paragraph (6BA), the warrant may authorise entry to and search of premises on more than one occasion if, on the application, the justice of the peace is satisfied that it is necessary to authorise multiple entries in order to achieve the purpose for which the justice issues the warrant.
- (6AD) If it authorises multiple entries, the number of entries authorised may be unlimited, or limited to a maximum.]
- (6B) The conditions [^{F7}mentioned in sub-paragraph (6A)(b)] are that—
- (a) it is not practicable to communicate with any person entitled to grant entry to the premises;
 - (b) it is practicable to communicate with a person entitled to grant entry to the premises but it is not practicable to communicate with any person entitled to grant access to the relevant documents;
 - (c) entry to the premises will not be granted unless a warrant is produced;
 - (d) the purpose of a search may be frustrated or seriously prejudiced unless an immigration officer arriving at the premises can secure immediate entry.
- [A justice of the peace in Scotland may not issue—
- ^{F8}(6BA) (a) an all premises warrant under this paragraph, or
- (b) a warrant under this paragraph authorising multiple entries.]

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- (6C) In the application of [^{F9}sub-paragraphs (6A) to (6BA)] to Scotland, references to a justice of the peace are to be treated as references to the sheriff or a justice of the peace.]
- (7) An officer searching premises under [^{F10}this paragraph] —
- (a) may seize ^{F11}... any documents he finds which he has reasonable grounds for believing are relevant documents; ^{F12}...
- ^{F12}(b)
- [Sub-paragraph (7B) applies where—
- ^{F13}(7A) (a) an officer is searching premises under this paragraph, and
- (b) any document the officer has reasonable grounds for believing is a relevant document is stored in any electronic form and is accessible from the premises.
- (7B) The officer may require the document to be produced in a form in which it can be taken away and in which it is visible and legible or from which it can readily be produced in a visible and legible form.
- (7C) If a requirement under sub-paragraph (7B) is not complied with or a document to which that sub-paragraph applies cannot be produced in a form of the kind mentioned in that sub-paragraph, the officer may seize the device or medium on which it is stored.]
- (8) But [^{F14}sub-paragraph (7)(a)] does not apply to documents which the officer has reasonable grounds for believing are items subject to legal privilege.
- [An immigration officer may retain a document seized under [^{F16}this paragraph] while
- ^{F15}(8A) the officer has reasonable grounds for believing that—
- (a) the arrested person may be liable to removal from the United Kingdom in accordance with a provision of the Immigration Acts, and
- (b) retention of the document may facilitate the person's removal.]
- (9) “Relevant documents” means any documents which might—
- (a) establish the arrested person’s identity, nationality or citizenship; or
- (b) indicate the place from which he has travelled to the United Kingdom or to which he is proposing to go.
- (10) “Senior officer” means an immigration officer not below the rank of chief immigration officer.]

Textual Amendments

- F1** Sch. 2 para. 25A inserted (14.2.2000) by 1999 c. 33, s. 132(2); S.I. 2000/168, art. 2, Sch. (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)
- F2** Words in Sch. 2 para. 25A(1)(b) substituted (28.7.2014) by Immigration Act 2014 (c. 22), s. 75(3), Sch. 1 para. 3(2); S.I. 2014/1820, art. 3(y)
- F3** Sch. 2 paras. 25A(6A)-(6C) inserted (28.7.2014) by Immigration Act 2014 (c. 22), s. 75(3), Sch. 1 para. 3(3); S.I. 2014/1820, art. 3(y)
- F4** Words in Sch. 2 para. 25A(6A) substituted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), Sch. 8 para. 6(2)(a); S.I. 2016/1037, reg. 5(k)

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- F5** Words in Sch. 2 para. 25A(6A)(b) inserted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 8 para. 6(2)(b)**; S.I. 2016/1037, reg. 5(k)
- F6** Sch. 2 paras. 25A(6AA)-(6AD) inserted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 8 para. 6(3)**; S.I. 2016/1037, reg. 5(k)
- F7** Words in Sch. 2 para. 25A(6b) inserted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 8 para. 6(4)**; S.I. 2016/1037, reg. 5(k)
- F8** Sch. 2 paras. 25A(6BA) inserted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 8 para. 6(5)**; S.I. 2016/1037, reg. 5(k)
- F9** Words in Sch. 2 para. 25A(6C) substituted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 8 para. 6(6)**; S.I. 2016/1037, reg. 5(k)
- F10** Words in Sch. 2 para. 25A(7) substituted (28.7.2014) by Immigration Act 2014 (c. 22), s. 75(3), **Sch. 1 para. 3(4)(a)**; S.I. 2014/1820, art. 3(y)
- F11** Words in Sch. 2 para. 25A(7)(a) omitted (28.7.2014) by virtue of Immigration Act 2014 (c. 22), s. 75(3), **Sch. 1 para. 3(4)(b)**; S.I. 2014/1820, art. 3(y)
- F12** Sch. 2 para. 25A(7)(b) omitted (28.7.2014) by virtue of Immigration Act 2014 (c. 22), s. 75(3), **Sch. 1 para. 3(4)(c)**; S.I. 2014/1820, art. 3(y)
- F13** Sch. 2 paras. 25A(7A)-(7C) inserted (12.7.2016) by Immigration Act 2016 (c. 19), **ss. 46(4)(a)**, 94(1); S.I. 2016/603, reg. 3(g)
- F14** Words in Sch. 2 para. 25A(8) substituted (12.7.2016) by Immigration Act 2016 (c. 19), **ss. 46(4)(b)**, 94(1); S.I. 2016/603, reg. 3(g)
- F15** Sch. 2 para. 25A(8A) inserted (28.7.2014) by Immigration Act 2014 (c. 22), s. 75(3), **Sch. 1 para. 3(5)**; S.I. 2014/1820, art. 3(y)
- F16** Words in Sch. 2 para. 25A(8A) substituted (12.7.2016) by Immigration Act 2016 (c. 19), **ss. 46(4)(c)**, 94(1); S.I. 2016/603, reg. 3(g)

Modifications etc. (not altering text)

- C1** Sch. 2 paras. 25A-25E applied by Immigration and Asylum Act 1999 (c. 33), **s. 10(9)(j)** (as substituted (20.10.2014) by Immigration Act 2014 (c. 22), **ss. 1**, 75(3); S.I. 2014/2771, art. 2(a) (with **arts. 9-11**) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, **art. 2** (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9)))

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