

Status: Point in time view as at 23/09/2004.

Changes to legislation: Immigration Act 1971 is up to date with all changes known to be in force on or before 27 June 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)

SCHEDULES

^{F1}SCHEDULE 1

Textual Amendments

- F1** Sch. 1 repealed (1.1.1983) by [British Nationality Act 1981 \(c. 61\), s. 52\(7\)](#), [Sch. 9](#) (with [Sch. 8 para. 8](#)); [S.I. 1982/933, art. 2](#) [Editorial note: According to the *Chronological Table of the Statutes (1951-1987)* (HMSO, 1989) there were no amendments made to Sch. 1 between the date of Royal Assent and its substitution on 1.1.1983 and therefore the text of Sch. 1 as in force immediately before the commencement of the British Nationality Act 1981 is the same as that of the [Original \(As enacted\) Version](#) of this Schedule.]

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](#)
- C2** 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. 2](#)
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](#))
- C3** 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\(c\)](#))

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PART I

GENERAL PROVISIONS

Modifications etc. (not altering text)

- C4** 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))

Immigration officers and medical inspectors

- 1 (1) Immigration officers for the purposes of this Act shall be appointed by the Secretary of State, and he may arrange with the Commissioners of Customs and Excise for the employment of officers of customs and excise as immigration officers under this Act.
- (2) Medical inspectors for the purposes of this Act may be appointed by the Secretary of State or, in Northern Ireland, by the Minister of Health and Social Services or other appropriate Minister of the Government of Northern Ireland in pursuance of arrangements made between that Minister and the Secretary of State, and shall be fully qualified medical practitioners.
- [^{F2}(2A) The Secretary of State may direct that his function of appointing medical inspectors under sub-paragraph (2) is also to be exercisable by such persons specified in the direction who exercise functions relating to health in England or Wales.]
- (3) In the exercise of their functions under this Act immigration officers shall act in accordance with such instructions (not inconsistent with the immigration rules) as may be given them by the Secretary of State, and medical inspectors shall act in accordance with such instructions as may be given them by the Secretary of State or, in Northern Ireland, as may be given in pursuance of the arrangements mentioned in sub-paragraph (2) above by the Minister making appointments of medical inspectors in Northern Ireland.
- (4) An immigration officer or medical inspector may board any ship [^{F3}or aircraft] for the purpose of exercising his functions under this Act.
- (5) An immigration officer, for the purpose of satisfying himself whether there are persons he may wish to examine under paragraph 2 below, may search any ship [^{F3}or aircraft] and anything on board it, or any vehicle taken off a ship or aircraft on which it has been brought to the United Kingdom.

Textual Amendments

- F2** Sch. 2 para. 1(2A) inserted (23.9.2004) by **Health Protection Agency Act 2004 (c. 17)**, ss. 11(1), 12(3), **Sch. 3 para. 3**
- F3** Words in Sch. 2 para. 1(4)(5) substituted (2.8.1993) by S.I. 1993/1813, arts. 8, 1, **Sch. 5 para. 1(a)**

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Modifications etc. (not altering text)

- C5** Reference to Minister of Health and Social Services in para. 1(2) to be construed as reference to head of Department of Health and Social Services and reference to other appropriate Minister of the Government of Northern Ireland to be construed as reference to the head of a Northern Ireland Department: [Northern Ireland Constitution Act 1973 \(c. 36\), s. 7](#)
Sch. 2 para. 1(2): transfer of certain functions (S.)(1.7.1999) by [S.I. 1999/1750, arts. 1, 2, Sch. 1](#) (with [art. 7](#)); [S.I. 1998/3178, art. 3](#)
- C6** Sch. 2 para. 1(3): transfer of certain functions (S.)(1.7.1999) by [S.I. 1999/1750, arts. 1, 2, Sch. 1](#) (with [art. 7](#)); [S.I. 1998/3178, art. 3](#)

Examination by immigration officers, and medical examination

- 2 (1) An immigration officer may examine any persons who have arrived in the United Kingdom by ship [^{F4}or aircraft] (including transit passengers, members of the crew and others not seeking to enter the United Kingdom) for the purpose of determining—
- (a) whether any of them is or is not [^{F5}a British citizen]; and
 - (b) whether, if he is not, he may or may not enter the United Kingdom without leave; and
 - [^{F6}(c) whether, if he may not—
 - (i) he has been given leave which is still in force,
 - (ii) he should be given leave and for what period or on what conditions (if any), or
 - (iii) he should be refused leave.]
- (2) Any such person, if he is seeking to enter the United Kingdom, may be examined also by a medical inspector or by any qualified person carrying out a test or examination required by a medical inspector.
- (3) A person, on being examined under this paragraph by an immigration officer or medical inspector, may be required in writing by him to submit to further examination; but a requirement under this sub-paragraph shall not prevent a person who arrives as a transit passenger, or as a member of the crew of a ship or aircraft, or for the purpose of joining a ship or aircraft as a member of the crew, from leaving by his intended ship or aircraft.

Textual Amendments

- F4** Words in Sch. 2 para. 2(1) substituted (2.8.1993) by [S.I. 1993/1813, arts 8, 1, Sch. 5 para. 1\(b\)](#)
- F5** Words substituted by [British Nationality Act 1981 \(c. 61\), s. 52\(7\), Sch. 4 para. 2](#) (with [Sch. 8 para. 8](#))
- F6** Sch. 2 para. 2(1)(c) substituted (14.2.2000) by [1999 c. 33, s. 169\(1\), Sch. 14 paras. 43, 56; 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.](#))

Modifications etc. (not altering text)

- C7** Sch. 2 para. 2 excluded by [Immigration Act 1988 \(c. 14, SIF 62\), s. 8\(4\)](#)
Sch. 2 para. 2 modified (18.7.2001) by [S.I. 2001/2950, art. 3](#)
- C8** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by [S.I. 2000/2326, reg. 24\(2\)](#) (with [regs. 9, 28](#))

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[^{F7} Examination of persons who arrive with continuing leave]

Textual Amendments

F7 Heading inserted (14.2.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, 57; S.I. 2000/168, art. 2, Sch

- [^{F8}2A (1) This paragraph applies to a person who has arrived in the United Kingdom with leave to enter which is in force but which was given to him before his arrival.
- (2) He may be examined by an immigration officer for the purpose of establishing—
- (a) whether there has been such a change in the circumstances of his case, since that leave was given, that it should be cancelled;
 - (b) whether that leave was obtained as a result of false information given by him or his failure to disclose material facts; or
 - (c) whether there are medical grounds on which that leave should be cancelled.
- (3) He may also be examined by an immigration officer for the purpose of determining whether it would be conducive to the public good for that leave to be cancelled.
- (4) He may also be examined by a medical inspector or by any qualified person carrying out a test or examination required by a medical inspector.
- (5) A person examined under this paragraph may be required by the officer or inspector to submit to further examination.
- (6) A requirement under sub-paragraph (5) does not prevent a person who arrives—
- (a) as a transit passenger,
 - (b) as a member of the crew of a ship or aircraft, or
 - (c) for the purpose of joining a ship or aircraft as a member of the crew, from leaving by his intended ship or aircraft.
- (7) An immigration officer examining a person under this paragraph may by notice suspend his leave to enter until the examination is completed.
- (8) An immigration officer may, on the completion of any examination of a person under this paragraph, cancel his leave to enter.
- (9) Cancellation of a person's leave under sub-paragraph (8) is to be treated for the purposes of this Act and [^{F9}Part 5 of the Nationality, Immigration and Asylum Act 2002 (immigration and asylum appeals)] as if he had been refused leave to enter at a time when he had a current entry clearance.
- (10) A requirement imposed under sub-paragraph (5) and a notice given under sub-paragraph (7) must be in writing.]

Textual Amendments

F8 Sch. 2 para. 2A inserted (14.2.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, 58; 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.)

F9 Words in Sch. 2 para. 2A(9) substituted (1.4.2003) by 2002 c. 41, s. 114, Sch. 7 para. 2; 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 2003/1339))

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Modifications etc. (not altering text)

- C9** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by [S.I. 2000/2326](#), [reg. 24\(2\)](#) (with [regs. 9, 28](#))
Sch. 2 para. 2A extended (14.12.2001) by [2001 c. 24](#), [ss. 22\(2\)\(g\)\(3\)](#), 127(2)

- 3 (1) An immigration officer may examine any person who is embarking or seeking to embark in the United Kingdom ^{F10}. . . for the purpose of determining whether he is [^{F11}a British citizen] and, if he is not, for the purpose of establishing his identity.
- (2) So long as any Order in Council is in force under section 3(7) of this Act, an immigration officer may examine any person who is embarking or seeking to embark in the United Kingdom ^{F10}. . . for the purpose of determining—
- (a) whether any of the provisions of the Order apply to him; and
 - (b) whether, if so, any power conferred by the Order should be exercised in relation to him and in what way.

Textual Amendments

- F10** Words in Sch. 2 para. 3(1)(2) repealed (2.8.1993) by [S.I. 1993/1813](#) arts. 1, 9, Sch. 6 Pt. I
F11 Words substituted by [British Nationality Act 1981 \(c. 61\)](#), s. 52(7), [Sch. 4 para. 2](#) (with [Sch. 8 para. 8](#))

Modifications etc. (not altering text)

- C10** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by [S.I. 2000/2326](#), [reg. 24\(2\)](#) (with [regs. 9, 28](#))

Information and documents

- 4 (1) It shall be the duty of any person examined under paragraph 2 [^{F12}, 2A] or 3 above to furnish to the person carrying out the examination all such information in his possession as that person may require for the purpose of his functions under that paragraph.
- (2) A person on his examination under paragraph 2 [^{F12}, 2A] or 3 above by an immigration officer shall, if so required by the immigration officer—
- (a) produce either a valid passport with photograph or some other document satisfactorily establishing his identity and nationality or citizenship; and
 - (b) declare whether or not he is carrying or conveying [^{F13}, or has carried or conveyed,] documents of any relevant description specified by the immigration officer, and produce any documents of that description which he is carrying or conveying.

In paragraph (b), “relevant description” means any description appearing to the immigration officer to be relevant for the purposes of the examination.

- [^{F14}(2A) An immigration officer may detain any passport or other document produced pursuant to subparagraph (2)(a) above until the person concerned is given leave to enter the United Kingdom or is about to depart or be removed following refusal of leave.]

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- (3) Where under sub-paragraph (2)(b) above a person has been required to declare whether or not he is carrying or conveying [^{F15}, or has carried or conveyed,] documents of any description,
 [^{F16}(a) he and any baggage or vehicle belonging to him or under his control; and
 (b) any ship, aircraft or vehicle in which he arrived in the United Kingdom,]
 may be searched with a view to ascertaining whether he is doing [^{F17}or, as the case may be, has done] so by the immigration officer or a person acting under the directions of the officer:

Provided that no woman or girl shall be searched except by a woman.

- (4) An immigration officer may examine any documents produced pursuant to sub-paragraph (2)(b) above or found on a search under sub-paragraph (3), and may for that purpose detain them for any period not exceeding seven days; and if on examination of any document so produced or found the immigration officer is of the opinion that it may be needed in connection with proceedings on [^{F18}an appeal under the Nationality, Immigration and Asylum Act 2002] or for an offence, he may detain it until he is satisfied that it will not be so needed.

Textual Amendments

- F12** Words in Sch. 2 para. 4(1)(2) inserted (14.2.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, 58; 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.)
- F13** Words in Sch. 2 para. 4(2)(b) inserted (1.10.1996) by 1996 c. 49, s. 12(1), Sch. 2 para. 5(1); S.I. 1996/2053, art. 2, Sch. Pt. III
- F14** Sch. 2 para. 4(2A) inserted by Immigration Act 1988 (c. 14, SIF 62), s. 10, Sch. para. 6
- F15** Words in Sch. 2 para. 4(3) inserted (1.10.1996) by 1996 c. 49, s. 12(1), Sch. 2 para. 5(2)(a); S.I. 1996/2053, art. 2, Sch. Pt. III
- F16** Sch. 2 para. 4(3)(a)(b) substituted (1.10.1996) for words by 1996 c. 49, s. 12(1), Sch. 2 para. 5(2)(b); S.I. 1996/2053, art. 2, Sch. Pt. III
- F17** Words in Sch. 2 para. 4(3) inserted (1.10.1996) by 1996 c. 49, s. 12(1), Sch. 2 para. 5(2)(c); S.I. 1996/2053, art. 2, Sch. Pt. III
- F18** Words in Sch. 2 para. 4(4) substituted (1.4.2003) by 2002 c. 41, s. 114, Sch. 7 para. 3 (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 2003/1339))

Modifications etc. (not altering text)

- C11** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by S.I. 2000/2326, reg. 24(2) (with regs. 9, 28)
 Sch. 2 para. 4 modified (18.7.2001) by S.I. 2001/2590, art. 3

- 5 The Secretary of State may by order made by statutory instrument make provision for requiring passengers disembarking or embarking in the United Kingdom, or any class of such passengers, to produce to an immigration officer, if so required, landing or embarkation cards in such form as the Secretary of State may direct, and for requiring the owners or agents of ships and aircraft to supply such cards to those passengers.

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Modifications etc. (not altering text)

C12 Sch. 2 para. 5 modified (14.3.2003) by [The Nationality, Immigration and Asylum Act 2002 \(Commencement No. 4\) Order 2003 \(S.I. 2003/754\)](#), arts. 3, 4, **Sch. 2 para. 4(6)**

Notice of leave to enter or of refusal of leave

- 6 (1) Subject to sub-paragraph (3) below, where a person examined by an immigration officer under paragraph 2 above is to be given a limited leave to enter the United Kingdom or is to be refused leave, the notice giving or refusing leave shall be given not later than [^{F19}twenty-four hours] after the conclusion of his examination (including any further examination) in pursuance of that paragraph; and if notice giving or refusing leave is not given him before the end of those [^{F19}twenty-four hours], he shall (if not [^{F20}a British citizen]) be deemed to have been given [^{F19}leave to enter the United Kingdom for a period of six months subject to a condition prohibiting his taking employment] and the immigration officer shall as soon as may be give him written notice of that leave.
- (2) Where on a person's examination under paragraph 2 above he is given notice of leave to enter the United Kingdom, then at any time before the end of [^{F21}twenty-four hours] from the conclusion of the examination he may be given a further notice in writing by an immigration officer cancelling the earlier notice and refusing him leave to enter.
- (3) Where in accordance with this paragraph a person is given notice refusing him leave to enter the United Kingdom, that notice may at any time be cancelled by notice in writing given him by an immigration officer; and where a person is given a notice of cancellation under this sub-paragraph, [^{F22}and the immigration officer does not at the same time give him indefinite or limited leave to enter [^{F23}or require him to submit to further examination], he shall be deemed to have been given leave to enter for a period of six months subject to a condition prohibiting his taking employment and the immigration officer shall as soon as may be give him written notice of that leave.]
- (4) Where an entrant is a member of a party in charge of a person appearing to the immigration officer to be a responsible person, any notice to be given in relation to that entrant in accordance with this paragraph shall be duly given if delivered to the person in charge of the party.

Textual Amendments

- F19** Words substituted by [Immigration Act 1988 \(c. 14, SIF 62\)](#), s. 10, **Sch. paras. 7, 8(1)(3)** respectively
- F20** Words substituted by [British Nationality Act 1981 \(c. 61\)](#), s. 52(7), **Sch. 4 para. 2** (with [Sch. 8 para. 8](#))
- F21** Words substituted by [Immigration Act 1988 \(c. 14, SIF 62\)](#), s. 10, **Sch. para. 7**
- F22** Words substituted by [Immigration Act 1988 \(c. 14, SIF 62\)](#), s. 10, **Sch. para. 8(2)(3)**
- F23** Words in s. 6(3) inserted (8.1.2003) by [2002 c. 41, s. 119](#), (with s. 159); [S.I. 2002/2811, art. 2, Sch.](#)

Modifications etc. (not altering text)

C13 Sch. 2 para. 6(3)(4) modified by [Immigration Act 1988 \(c. 14, SIF 62\)](#), **s. 8(6)**

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[^{F24} Power to require medical examination after entry]

Textual Amendments

F24 Heading substituted (14.2.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, 59; S.I. 2000/168, art. 2, Sch

- [^{F257} (1) This paragraph applies if an immigration officer examining a person under paragraph 2 decides—
- (a) that he may be given leave to enter the United Kingdom; but
 - (b) that a further medical test or examination may be required in the interests of public health.
- (2) This paragraph also applies if an immigration officer examining a person under paragraph 2A decides—
- (a) that his leave to enter the United Kingdom should not be cancelled; but
 - (b) that a further medical test or examination may be required in the interests of public health.
- (3) The immigration officer may give the person concerned notice in writing requiring him—
- (a) to report his arrival to such medical officer of health as may be specified in the notice; and
 - (b) to attend at such place and time and submit to such test or examination (if any), as that medical officer of health may require.
- (4) In reaching a decision under paragraph (b) of sub-paragraph (1) or (2), the immigration officer must act on the advice of—
- (a) a medical inspector; or
 - (b) if no medical inspector is available, a fully qualified medical practitioner.]

Textual Amendments

F25 Sch. 2 para. 7 substituted (14.2.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, 59; 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.)

Modifications etc. (not altering text)

C14 Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by S.I. 2000/2326, reg. 24(2) (with regs. 9, 28)

C15 Sch. 2 para. 7(1)(3)(4) modified (18.7.2001) by S.I. 2001/2590, art. 3

Removal of persons refused leave to enter and illegal entrants

- 8 (1) Where a person arriving in the United Kingdom is refused leave to enter, an immigration officer may, subject to sub-paragraph (2) below—
- (a) give the captain of the ship or aircraft in which he arrives directions requiring the captain to remove him from the United Kingdom in that ship or aircraft; or
 - (b) give the owners or agents of that ship or aircraft directions requiring them to remove him from the United Kingdom in any ship or aircraft specified

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or indicated in the directions, being a ship or aircraft of which they are the owners or agents; or

- (c) give those owners or agents ^{F26} . . . directions requiring them to make arrangements for his removal from the United Kingdom in any ship or aircraft specified or indicated in the directions to a country or territory so specified, being either—
- (i) a country of which he is a national or citizen; or
 - (ii) a country or territory in which he has obtained a passport or other document of identity; or
 - (iii) a country or territory in which he embarked for the United Kingdom; or
 - (iv) a country or territory to which there is reason to believe that he will be admitted.

- (2) No directions shall be given under this paragraph in respect of anyone after the expiration of two months beginning with the date on which he was refused leave to enter the United Kingdom [^{F27}(ignoring any period during which an appeal by him under the Immigration Acts is pending)] [^{F28}except that directions may be given under sub-paragraph (1)(b) or (c) after the end of that period if the immigration officer has within that period given written notice to the owners or agents in question of his intention to give directions to them in respect of that person].

Textual Amendments

- F26** Words in Sch. 2 para. 8(1)(c) repealed (2.8.1993) by S.I. 1993/1813, art. 9(1), **Sch. 6 Pt. I**
- F27** Words in Sch. 2 para. 8(2) inserted (1.4.2003) by 2002 c. 41, s. 114, **Sch. 7 para. 4** (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))
- F28** Words inserted by **Immigration Act 1988** (c. 14, SIF 62), s. 10, **Sch. para. 9(1)(4)**

Modifications etc. (not altering text)

- C16** Sch. 2 para. 8 applied (2.10.2000 with application as mentioned in reg. 9 of the applying S.I.) by S.I. 2000/2326, **reg. 25(3)(a)**
Sch. 2 para. 8 modified (18.7.2001) by S.I. 2001/2590, **art. 3**
Sch. 2 para. 8 extended (14.12.2001) by 2001 c. 24, **ss. 22(2)(h)(3)**, 127(2)
Sch. 2 para. 8 applied (with modifications) (17.7.2002) by S.I. 2002/1832, art. 2(2), **Sch.**
- C17** Sch. 2 para. 8 applied (with modifications) (31.1.2020) by **The Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020** (S.I. 2020/61), reg. 1(2), **Sch. 3 para. 2(1)(a)(2)**
- C18** Sch. 2 para. 8(2) amended (2.10.2000) by 1999 c. 33, s. 58(3), **Sch. 4 Pt. II para. 13**; S.I. 2000/2444, art. 2, **Sch. 1** (subject to transitional provisions in art. 3, Sch. 2 para. 2)
- C19** Sch. 2 para. 8(2) modified (2.10.2000 with application as mentioned in regs. 9, 28 of the modifying S.I.) by S.I. 2000/2326, **reg. 32(4)(7)** (as substituted (1.4.2003) for reg. 34(4)(10) by S.I. 2003/549, **reg. 2(8)** (with reg. 3))

^{F29}(1) Where an illegal entrant is not given leave to enter or remain in the United Kingdom, an immigration officer may give any such directions in respect of him as in a case within paragraph 8 above are authorised by paragraph 8(1).

^{F30}(2) Any leave to enter the United Kingdom which is obtained by deception shall be disregarded for the purposes of this paragraph.]

Status: Point in time view as at 23/09/2004.

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Textual Amendments

- F29** Sch 2 para. 9 renumbered as 9(1) (1.10.1996) by 1996 c. 49, s. 12(1), **Sch. 2 para.6**; S.I. 1996/2053, art. 2, **Sch. Pt.III**
- F30** Sch. 2 para. 9(2) inserted (1.10.1996) by 1996 c. 49, s. 12(1), **Sch. 2 para.6**; S.I. 1996/2053, art. 2, **Sch. Pt.III**

Modifications etc. (not altering text)

- C20** Sch. 2 para. 9 extended (14.12.2001) by 2001 c. 24, **ss. 22(2)(h)(3)**, 127(2)
 Sch. 2 para. 9 modified (18.7.2001) by S.I. 2001/2590, **art. 3**
 Sch. 2 para. 9 applied (with modifications) (17.7.2002) by S.I. 2002/1832, **art. 2(2)**, **Sch.**

- 10 (1) Where it appears to the Secretary of State either—
- (a) that directions might be given in respect of a person under paragraph 8 or 9 above, but that it is not practicable for them to be given or that, if given, they would be ineffective; or
 - (b) that directions might have been given in respect of a person under paragraph 8 above [^{F31}but that the requirements of paragraph 8(2) have not been complied with];
- then the Secretary of State may give to the owners or agents of any ship or aircraft any such directions in respect of that person as are authorised by paragraph 8(1)(c).
- (2) Where the Secretary of State may give directions for a person's removal in accordance with sub-paragraph (1) above, he may instead give directions for his removal in accordance with arrangements to be made by the Secretary of State to any country or territory to which he could be removed under sub-paragraph (1).
- (3) The costs of complying with any directions given under this paragraph shall be defrayed by the Secretary of State.

Textual Amendments

- F31** Words substituted by *Immigration Act 1988 (c. 14, SIF 62)*, s. 10, **Sch. para. 9(2)(4)**

Modifications etc. (not altering text)

- C21** Sch. 2 para. 10 applied (2.10.2000) by 1999 c. 33, **ss. 9(4)**, 10(7); S.I. 2000/2444, art. 2, **Sch. 1** (subject to transitional provisions in art. 3, **Sch. 2 para. 2**) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, **Sch.**)
 Sch. 2 para. 10 applied (2.10.2000) by S.I. 2000/2326, **reg. 25(3)** (with regs. 9, 28)
 Sch. 2 para. 10 extended (14.12.2001) by 2001 c. 24, **ss. 22(2)(h)(3)**, 127(2)

- [^{F32}10A Where directions are given in respect of a person under any of paragraphs 8 to 10 above, directions to the same effect may be given under that paragraph in respect of a member of the person's family.]

Textual Amendments

- F32** Sch. 2 para. 10A inserted (10.2.2003) by 2002 c. 41, s. 73(1) (with s. 159); S.I. 2003/1, **art. 2**, **Sch.**

Status: Point in time view as at 23/09/2004.

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Modifications etc. (not altering text)

C22 Sch. 2 para. 10A applied (with modifications) (31.1.2020) by [The Immigration \(Citizens' Rights Appeals\) \(EU Exit\) Regulations 2020 \(S.I. 2020/61\)](#), reg. 1(2), **Sch. 3 para. 2(1)(a)(2)**

- 11 A person in respect of whom directions are given under any of paragraphs 8 to 10 above may be placed, under the authority of an immigration officer, on board any ship or aircraft in which he is to be removed in accordance with the directions.

Modifications etc. (not altering text)

C23 Sch. 2 para. 11 applied (2.10.2000) by [Immigration and Asylum Act 1999 \(c. 33\)](#), **ss. 9(4)**, 10(9)(a) (as substituted (20.10.2014) by [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)); [S.I. 2000/2444](#), art. 2, **Sch. 1** (subject to transitional provisions in art. 3, Sch. 2 para. 2) (which amending provision was extended (with modifications) to Jersey (5.6.2003) by [S.I. 2003/1252](#), art. 2, **Sch.**); Sch. 2 para. 11 applied (2.10.2000) by [S.I. 2000/2326](#), **reg. 25(3)** (with regs. 9, 28) Sch. 2 para. 11 applied (with modifications) (12.7.2002) by [S.I. 2002/1832](#), art. 2(2), **Sch.**

Seamen and aircrews

- 12 (1) If, on a person's examination by an immigration officer under paragraph 2 above, the immigration officer is satisfied that he has come to the United Kingdom for the purpose of joining a ship or aircraft as a member of the crew, then the immigration officer may limit the duration of any leave he gives that person to enter the United Kingdom by requiring him to leave the United Kingdom in a ship or aircraft specified or indicated by the notice giving leave.
- (2) Where a person (not being ^{F33}a British citizen) arrives in the United Kingdom for the purpose of joining a ship or aircraft as a member of the crew and, having been given leave to enter as mentioned in sub-paragraph (1) above, remains beyond the time limited by that leave, or is reasonably suspected by an immigration officer of intending to do so, an immigration officer may—
- (a) give the captain of that ship or aircraft directions requiring the captain to remove him from the United Kingdom in that ship or aircraft; or
 - (b) give the owners or agents of that ship or aircraft directions requiring them to remove him from the United Kingdom in any ship or aircraft specified or indicated in the directions, being a ship or aircraft of which they are the owners or agents; or
 - (c) give those owners or agents directions requiring them to make arrangements for his removal from the United Kingdom in any ship or aircraft specified or indicated in the directions to a country or territory so specified, being either—
 - (i) a country of which he is a national or citizen; or
 - (ii) a country or territory in which he has obtained a passport or other document of identity; or
 - (iii) a country or territory in which he embarked for the United Kingdom;or

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- (iv) a country or territory where he was engaged as a member of the crew of the ship or aircraft which he arrived in the United Kingdom to join; or
- (v) a country or territory to which there is reason to believe that he will be admitted.

Textual Amendments

F33 Words substituted by [British Nationality Act 1981 \(c. 61\), s. 52\(7\)](#), [Sch. 4 para. 2](#) (with [Sch. 8 para. 8](#))

Modifications etc. (not altering text)

C24 [Sch. 2 para. 12](#) extended (14.12.2001) by [2001 c. 24, ss. 22\(2\)\(h\)\(3\)](#), [127\(2\)](#)

- 13 (1) Where a person being a member of the crew of a ship or aircraft is examined by an immigration officer under paragraph 2 above, the immigration officer may limit the duration of any leave he gives that person to enter the United Kingdom—
- (a) in the manner authorised by paragraph 12(1) above; or
 - (b) if that person is to be allowed to enter the United Kingdom in order to receive hospital treatment, by requiring him, on completion of that treatment, to leave the United Kingdom in accordance with arrangements to be made for his repatriation; or
 - (c) by requiring him to leave the United Kingdom within a specified period in accordance with arrangements to be made for his repatriation.
- (2) Where a person (not being ^{F34}a British citizen) arrives in the United Kingdom as a member of the crew of a ship or aircraft, and either—
- (A) having lawfully entered the United Kingdom without leave by virtue of section 8(1) of this Act, he remains without leave beyond the time allowed by section 8(1), or is reasonably suspected by an immigration officer of intending to do so; or
 - (B) having been given leave limited as mentioned in subparagraph (1) above, he remains beyond the time limited by that leave, or is reasonably suspected by an immigration officer of intending to do so;
- an immigration officer may—
- (a) give the captain of the ship or aircraft in which he arrived directions requiring the captain to remove him from the United Kingdom in that ship or aircraft; or
 - (b) give the owners or agents of that ship or aircraft directions requiring them to remove him from the United Kingdom in any ship or aircraft specified or indicated in the directions, being a ship or aircraft of which they are the owners or agents; or
 - (c) give those owners or agents directions requiring them to make arrangements for his removal from the United Kingdom in any ship or aircraft specified or indicated in the directions to a country or territory so specified, being either—
 - (i) a country of which he is a national or citizen; or
 - (ii) a country or territory in which he has obtained a passport or other document of identity; or
 - (iii) a country in which he embarked for the United Kingdom; or

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- (iv) a country or territory in which he was engaged as a member of the crew of the ship or aircraft in which he arrived in the United Kingdom; or
- (v) a country or territory to which there is reason to believe that he will be admitted.

Textual Amendments

F34 Words substituted by [British Nationality Act 1981 \(c. 61\), s. 52\(7\)](#), [Sch. 4 para. 2](#) (with [Sch. 8 para. 8](#))

Modifications etc. (not altering text)

C25 [Sch. 2 para. 13](#) extended (14.12.2001) by [2001 c. 24, ss. 22\(2\)\(h\)\(3\)](#), [127\(2\)](#)

- 14 (1) Where it appears to the Secretary of State that directions might be given in respect of a person under paragraph 12 or 13 above, but that it is not practicable for them to be given or that, if given, they would be ineffective, then the Secretary of State may give to the owners or agents of any ship or aircraft any such directions in respect of that person as are authorised by paragraph 12(2)(c) or 13(2)(c).
- (2) Where the Secretary of State may give directions for a person's removal in accordance with sub-paragraph (1) above, he may instead give directions for his removal in accordance with arrangements to be made by the Secretary of State to any country or territory to which he could be removed under sub-paragraph (1).
- (3) The costs of complying with any directions given under this paragraph shall be defrayed by the Secretary of State.

Modifications etc. (not altering text)

C26 [Sch. 2 para. 14](#) extended (14.12.2001) by [2001 c. 24, ss. 22\(2\)\(h\)\(3\)](#), [127\(2\)](#)

- 15 A person in respect of whom directions are given under any of paragraphs 12 to 14 above may be placed, under the authority of an immigration officer, on board any ship or aircraft in which he is to be removed in accordance with the directions.

Detention of persons liable to examination or removal

- 16 (1) A person who may be required to submit to examination under paragraph 2 above may be detained under the authority of an immigration officer pending his examination and pending a decision to give or refuse him leave to enter.
- [^{F35}(1A) A person whose leave to enter has been suspended under paragraph 2A may be detained under the authority of an immigration officer pending—
- (a) completion of his examination under that paragraph; and
 - (b) a decision on whether to cancel his leave to enter.]
- [^{F36}(2) If there are reasonable grounds for suspecting that a person is someone in respect of whom directions may be given under any of paragraphs [^{F37}8 to 10A] or 12 to 14, that person may be detained under the authority of an immigration officer pending—
- (a) a decision whether or not to give such directions;
 - (b) his removal in pursuance of such directions.]

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- (3) A person on board a ship or aircraft may, under the authority of an immigration officer, be removed from the ship or aircraft for detention under this paragraph; but if an immigration officer so requires the captain of a ship or aircraft shall prevent from disembarking in the United Kingdom any person who has arrived in the United Kingdom in the ship or aircraft and been refused leave to enter, and the captain may for that purpose detain him in custody on board the ship or aircraft.
- (4) The captain of a ship or aircraft, if so required by an immigration officer, shall prevent from disembarking in the United Kingdom or before the directions for his removal have been fulfilled any person placed on board the ship or aircraft under paragraph 11 or 15 above, and the captain may for that purpose detain him in custody on board the ship or aircraft.

^{F38}(4A)

Textual Amendments

- F35** Sch. 2 para. 16(1A) inserted (14.2.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, 60; S.I. 2000/168, art. 2, Sch. 1 (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)
- F36** Sch. 2 para. 16(2) substituted (11.11.1999) by 1999 c. 33, ss. 140(1), 170(3) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)
- F37** Words in Sch. 2 para. 16(2) substituted (10.2.2003) by 2002 c. 41, s. 73(5) (with s. 159); S.I. 2003/1, art. 2, Sch.
- F38** Sch. 2 para. 16(4A) repealed by S.I. 1993/1813, art. 9(1), Sch. 6 Pt. I

Modifications etc. (not altering text)

- C27** Sch. 2 para. 16 applied (2.10.2000) by Immigration and Asylum Act 1999 (c. 33), s. 9(4), 10 (as substituted (20.10.2014) by 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)); S.I. 2000/2444, art. 2, Sch. 1 (subject to transitional provisions in art. 3, Sch. 2 para. 2) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)
- Sch. 2 para. 16 extended (14.12.2001) by 2001 c. 24, ss. 23(2)(a), 127(2)
- C28** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by S.I. 2000/2326, reg. 24(2) (with regs. 9, 28)
- Sch. 2 para. 16 applied (2.10.2000) by S.I. 2000/2326, reg. 25(3)(a) (with regs. 9, 28)

- 17 (1) A person liable to be detained under paragraph 16 above may be arrested without warrant by a constable or by an immigration officer.
- (2) If—
- (a) a justice of the peace is by written information on oath satisfied that there is reasonable ground for suspecting that a person liable to be arrested under this paragraph is to be found on any premises; or
- (b) in Scotland, a sheriff, or a ^{F39}. . . justice of the peace, having jurisdiction in the place where the premises are situated is by evidence on oath so satisfied; he may grant a warrant [^{F40}authorising any immigration officer or constable to enter], [^{F41}if need be by reasonable force], the premises named in the warrant for the purpose of searching for and arresting that person.

[^{F42}(3) Sub-paragraph (4) applies where an immigration officer or constable—

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- (a) enters premises in reliance on a warrant under sub-paragraph (2), and
 - (b) detains a person on the premises.
- (4) A detainee custody officer may enter the premises, if need be by reasonable force, for the purpose of carrying out a search.
- (5) In sub-paragraph (4)—
- “detainee custody officer” means a person in respect of whom a certificate of authorisation is in force under section 154 of the Immigration and Asylum Act 1999 (c. 33) (detained persons: escort and custody), and
 - “search” means a search under paragraph 2(1)(a) of Schedule 13 to that Act (escort arrangements: power to search detained person).]

Textual Amendments

- F39** Words in Sch. 2 para. 17(2)(b) repealed (1.10.1996) by 1996 c. 49, s. 12(1)(3), Sch. 2 para. 7, Sch. 4; S.I. 1996/2053, art. 2, Sch. Pt. III
- F40** Words in Sch. 2 para. 17(2) substituted (11.11.1999) by 1999 c. 33, ss. 140(2), 170(3) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)
- F41** Words in Sch. 2 para. 17(2) substituted (10.2.2003) by 2002 c. 41, s. 63 (with s. 159); S.I. 2003/1, art. 2, Sch.
- F42** Sch. 2 para. 17(3)-(5) inserted (10.2.2003) by 2002 c. 41, s. 64 (with s. 159); S.I. 2003/1, art. 2, Sch.

Modifications etc. (not altering text)

- C29** Sch. 2 para. 17 applied (2.10.2000) by 1999 c. 33, ss. 9(4), 10(7); S.I. 2000/2444, art. 2, Sch. 1 (subject to transitional provisions in art. 3, Sch. 2 para. 2) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)
- C30** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by S.I. 2000/2326, reg. 24(2) (with regs. 9, 28)
Sch. 2 para. 17 applied (2.10.2000) by S.I. 2000/2326, reg. 25(3)(a) (with regs. 9, 28)
- C31** Sch. 2 para. 17 applied by The Immigration (European Economic Area) Regulations 2006 (S.I. 2006/1003), reg. 24(1) (as substituted (1.6.2009) by The Immigration (European Economic Area) (Amendment) Regulations 2009 (S.I. 2009/1117), reg. 2, Sch. 1 para. 10(a))
- C32** Sch. 2 para. 17(1) amended (2.8.1993) by S.I. 1993/1813, arts. 6, 1, Sch. 3 Pt. 1 para. 2(2)(a); Sch. 2 para. 17 amended by the said S.I. 1993/1813, arts. 6, 7, Sch. 3 para. 2, Sch. 4 as incorporated (with modifications) (1.12.1997) by S.I. 1994/1405, arts. 6, 8, Sch. 3 para. 3, Sch. 4 para. 11 Table

- 18 (1) Persons may be detained under paragraph 16 above in such places as the Secretary of State may direct (when not detained in accordance with paragraph 16 on board a ship or aircraft).
- (2) Where a person is detained under paragraph 16, any immigration officer, constable or prison officer, or any other person authorised by the Secretary of State, may take all such steps as may be reasonably necessary for photographing, measuring or otherwise identifying him.
- [^{F43}(2A) The power conferred by sub-paragraph (2) includes power to take fingerprints.]
- (3) Any person detained under paragraph 16 may be taken in the custody of a constable, or of any person acting under the authority of an immigration officer, to and from any place where his attendance is required for the purpose of ascertaining his citizenship or nationality or of making arrangements for his admission to a country or territory

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other than the United Kingdom, or where he is required to be for any other purpose connected with the operation of this Act.

- (4) A person shall be deemed to be in legal custody at any time when he is detained under paragraph 16 or is being removed in pursuance of sub-paragraph (3) above.

Textual Amendments

- F43** Sch. 2 para. 18(2A) inserted (11.12.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, 61; S.I. 2000/3099, art. 2, Sch. (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)

Modifications etc. (not altering text)

- C33** Sch. 2 para. 18 applied (2.10.2000) by Immigration and Asylum Act 1999 (c. 33), ss. 9(4), 10 (as substituted (20.10.2014) by 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)); S.I. 2000/2444, art. 2, Sch. 1 (subject to transitional provisions in art. 3, Sch. 2 para. 2) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)
- C34** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by S.I. 2000/2326, reg. 24(2) (with regs. 9, 28)
- Sch. 2 para. 18 applied (2.10.2000) by S.I. 2000/2326, reg. 25(3)(a) (with regs. 9, 28)
- C35** Sch. 2 para. 18 applied by The Immigration (European Economic Area) Regulations 2006 (S.I. 2006/1003), reg. 24(1) (as substituted (1.6.2009) by The Immigration (European Economic Area) (Amendment) Regulations 2009 (S.I. 2009/1117), reg. 2, Sch. 1 para. 10(a))

- 19 (1) Where a person is refused leave to enter the United Kingdom and directions are given in respect of him under paragraph 8 or 10 above, then subject to the provisions of this paragraph the owners or agents of the ship or aircraft in which he arrived ^{F44} . . . shall be liable to pay the Secretary of State on demand any expenses incurred by the latter in respect of the custody, accommodation or maintenance of that person [^{F45} for any period (not exceeding 14 days)] after his arrival while he was detained or liable to be detained under paragraph 16 above.
- (2) Sub-paragraph (1) above shall not apply to expenses in respect of a person who, when he arrived in the United Kingdom, held a [^{F46}certificate of entitlement] or a current entry clearance or was the person named in a current work permit; and for this purpose a document purporting to be a [^{F46}certificate of entitlement], entry clearance or work permit is to be regarded as being one unless its falsity is reasonably apparent.
- (3) If, before the directions for a person's removal under paragraph 8 or 10 above have been carried out, he is given leave to enter the United Kingdom, or if he is afterwards given that leave in consequence of the determination in his favour of an appeal under this Act (being an appeal against a refusal of leave to enter by virtue of which the directions were given), or it is determined on an appeal under this Act that he does not require leave to enter (being an appeal occasioned by such a refusal), no sum shall be demanded under subparagraph (1) above for expenses incurred in respect of that person and any sum already demanded and paid shall be refunded.
- (4) Sub-paragraph (1) above shall not have effect in relation to directions which, in consequence of an appeal under this Act, have ceased to have effect or are for the time being of no effect; and the expenses to which that sub-paragraph applies include expenses in conveying the person in question to and from the place where he is

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detained or accommodated unless the journey is made for the purpose of attending an appeal by him under this Act.

Textual Amendments

- F44** Words in Sch. 2 para. 19(1) repealed (2.8.1993) by [S.I. 1993/1813](#), art. 9(1), [Sch. 6 Pt. I](#)
- F45** Words in Sch. 2 para. 19(1) substituted (1.9.1996) by [1996 c. 49](#), s. 12(1), [Sch. 2 para.8](#); [S.I. 1996/2053](#), art. 2, [Sch. Pt.II](#)
- F46** Words substituted by [British Nationality Act 1981 \(c. 61\)](#), s. 52(7), [Sch. 4 para. 3\(1\)](#) (with Sch. 8 para. 8)

Modifications etc. (not altering text)

- C36** Sch. 2 para. 19 applied (with modifications) (2.10.2000) by [S.I. 2000/2326](#), [reg. 25\(3\)\(b\)](#) (with [regs. 9, 28](#))

20 (1) Subject to the provisions of this paragraph, in either of the following cases, that is to say,—

- (a) where directions are given in respect of an illegal entrant under paragraph 9 or 10 above; and
- (b) where a person has lawfully entered the United Kingdom without leave by virtue of section 8(1) of this Act, but directions are given in respect of him under paragraph 13(2)(A) above or, in a case within paragraph 13(2)(A), under paragraph 14;

the owners or agents of the ship or aircraft in which he arrived in the United Kingdom ^{F47} . . . shall be liable to pay the Secretary of State on demand any expenses incurred by the latter in respect of the custody, accommodation or maintenance of that person [^{F48} for any period (not exceeding 14 days)] after his arrival while he was detained or liable to be detained under paragraph 16 above.

[^{F49}(1A) Sub-paragraph (1) above shall not apply to expenses in respect of an illegal entrant if he obtained leave to enter by deception and the leave has not been cancelled under paragraph 6(2) above.]

- (2) If, before the directions for a person's removal from the United Kingdom have been carried out, he is given leave to remain in the United Kingdom, no sum shall be demanded under sub-paragraph (1) above for expenses incurred in respect of that person and any sum already demanded and paid shall be refunded.
- (3) Sub-paragraph (1) above shall not have effect in relation to directions which, in consequence of an appeal under this Act, are for the time being of no effect; and the expenses to which that sub-paragraph applies include expenses in conveying the person in question to and from the place where he is detained or accommodated unless the journey is made for the purpose of attending an appeal by him under this Act.

Textual Amendments

- F47** Words in Sch. 2 para. 20(1) repealed (2.8.1993) by [S.I. 1993/1813](#) art. 9(1), [Sch. 6 Pt. I](#)
- F48** Words in Sch. 2 para. 20(1) substituted (1.9.1996) by [1996 c. 49](#), s. 12(1), [Sch. 2 para. 9\(1\)](#); [S.I. 1996/2053](#), art. 2, [Sch. Pt. II](#)
- F49** Sch. 2 para. 20(1A) inserted (1.9.1996) by [1996 c. 49](#), s. 12(1), [Sch. 2 para. 9\(2\)](#); [S.I. 1996/2053](#), art. 2, [Sch. Pt.II](#)

Status: Point in time view as at 23/09/2004.

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Modifications etc. (not altering text)

C37 Sch. 2 para. 20(1) restricted (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](#)

Temporary admission or release of persons liable to detention

- 21 (1) A person liable to detention or detained under paragraph 16 above may, under the written authority of an immigration officer, be temporarily admitted to the United Kingdom without being detained or be released from detention; but this shall not prejudice a later exercise of the power to detain him.
- (2) So long as a person is at large in the United Kingdom by virtue of this paragraph, he shall be subject to such restrictions as to residence [^{F50}, as to his employment or occupation] and as to reporting to the police or an immigration officer as may from time to time be notified to him in writing by an immigration officer.
- [^{F51}(2A) The provisions that may be included in restrictions as to residence imposed under sub-paragraph (2) include provisions of such a description as may be prescribed by regulations made by the Secretary of State.
- (2B) The regulations may, among other things, provide for the inclusion of provisions—
- (a) prohibiting residence in one or more particular areas;
 - (b) requiring the person concerned to reside in accommodation provided under section 4 of the Immigration and Asylum Act 1999 and prohibiting him from being absent from that accommodation except in accordance with the restrictions imposed on him.
- (2C) The regulations may provide that a particular description of provision may be imposed only for prescribed purposes.
- (2D) The power to make regulations conferred by this paragraph is exercisable by statutory instrument and includes a power to make different provision for different cases.
- (2E) But no regulations under this paragraph are to be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.]
- [^{F52}(3) Sub-paragraph (4) below applies where a person who is at large in the United Kingdom by virtue of this paragraph is subject to a restriction as to reporting to an immigration officer with a view to the conclusion of his examination under paragraph 2 [^{F53}or 2A]] above.
- (4) If the person fails at any time to comply with that restriction—
- (a) an immigration officer may direct that the person's examination ^{F54}. . . shall be treated as concluded at that time; but
 - (b) nothing in paragraph 6 above shall require the notice giving or refusing him leave to enter the United Kingdom to be given within twenty-four hours after that time.

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Textual Amendments

- F50** Words inserted by [Immigration Act 1988 \(c. 14, SIF 62\)](#), s. 10, [Sch. para. 10\(1\)\(4\)](#)
- F51** Sch. 2 para. 21(2A)-(2E) inserted (11.11.1999) by [1999 c. 33, ss. 169\(1\), 170\(3\)](#), [Sch. 14 paras. 43, 62\(2\)](#) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by [S.I. 2003/1252, art. 2, Sch.](#))
- F52** Sch. 2 para. 21(3)(4) inserted (1.9.1996) by [1996 c. 49, s. 12\(1\)](#), [Sch. 2 para. 10](#); [S.I. 1996/2053, art. 2, Sch. Pt. II](#)
- F53** Words in Sch. 2 para. 21(3) inserted (14.2.2000) by [1999 c. 33, s. 169\(1\)](#), [Sch. 14 paras. 43, 62\(3\)](#); [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.](#))
- F54** Words in Sch. 2 para. 21(4)(a) repealed (14.2.2000) by [1999 c. 33, s. 169\(1\)\(3\)](#), [Sch. 14 paras. 43, 62\(4\)](#), [Sch. 16](#); [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.](#))

Modifications etc. (not altering text)

- C38** Sch. 2 para. 21 applied (14.2.2000) by [1999 c. 33, ss. 9\(4\)](#), 10 (as substituted (20.10.2014) by [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](#))); [S.I. 2000/2444, art. 2, Sch. 1](#) (subject to transitional provisions in [art. 3, Sch. 2 para. 2](#)) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by [S.I. 2003/1252, art. 2, Sch.](#))
Sch. 2 para. 21 modified (18.7.2001) by [S.I. 2001/2590, art. 3](#)
- C39** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by [S.I. 2000/2326, reg. 24\(2\)](#) (with [regs. 9, 28](#))
Sch. 2 para. 21 applied (2.10.2000) by [S.I. 2000/2326, reg. 25\(3\)\(a\)](#) (with [regs. 9, 28](#))
- C40** Sch. 2 para. 21 extended (10.2.2003) by [2002 c. 41, s. 71\(2\)](#) (with [s. 159](#)); [S.I. 2003/1, art. 2, Sch.](#)

22 ^{F55}(1) The following, namely—

- (a) a person detained under paragraph 16(1) above pending examination;
[a person detained under paragraph 16(1A) above pending completion of his
^{F56}(aa) examination or a decision on whether to cancel his leave to enter;]] and
(b) a person detained under paragraph 16(2) above pending the giving of directions,

may be released on bail in accordance with this paragraph.

(1A) An immigration officer not below the rank of chief immigration officer or an adjudicator may release a person so detained on his entering into a recognizance or, in Scotland, bail bond conditioned for his appearance before an immigration officer at a time and place named in the recognizance or bail bond or at such other time and place as may in the meantime be notified to him in writing by an immigration officer.

(1B) Sub-paragraph (1)(a) above shall not apply unless seven days have elapsed since the date of the person's arrival in the United Kingdom.

(2) The conditions of a recognizance or bail bond taken under this paragraph may include conditions appearing to the ^{F57}immigration officer or adjudicator] to be likely to result in the appearance of the person bailed at the required time and place; and any recognizance shall be with or without sureties as the ^{F57}officer or adjudicator] may determine.

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- (3) In any case in which an ^{F58}immigration officer or adjudicator] has power under this paragraph to release a person on bail, the ^{F58}officer or adjudicator] may, instead of taking the bail, fix the amount and conditions of the bail (including the amount in which any sureties are to be bound) with a view to its being taken subsequently by any such person as may be specified by the ^{F58}officer or adjudicator]; and on the recognizance or bail bond being so taken the person to be bailed shall be released.

Textual Amendments

- F55** Sch. 2 para. 22(1)(1A)(1B) substituted (1.9.1996) for para. 22(1) by 1996 c. 49, s. 12(1), **Sch. 2 para. 11(1)**; S.I. 1996/2053, art. 2, **Sch. Pt. II**
- F56** Sch. 2 para. 22(1)(aa) inserted (14.2.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, **63**; S.I. 2000/168, art. 2, **Sch**
- F57** Words in Sch. 2 para. 22(2) substituted (1.9.1996) by 1996 c. 49, s. 12(1), **Sch. 2 para. 11(2)**; S.I. 1996/2053, art. 2, **Sch. Pt. II**
- F58** Words in Sch. 2 para. 22(3) substituted (1.9.1996) by 1996 c. 49, s. 12(1), **Sch. 2 para. 11(3)**; S.I. 1996/2053, art. 2, **Sch. Pt. II**

Modifications etc. (not altering text)

- C41** Sch. 2 para. 22 modified (retrospectively and temp.) by Immigration Act 2016 (c. 19), ss. **61(3)-(5)**, **94(3)** (with s. 61(6))
- C42** Sch. 2 para. 22 modified (3.8.1998) by 1997 c. 68, s. 3, **Sch. 3 para. 1**; S.I. 1998/1892, art. 2
- C43** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by S.I. 2000/2326, **reg. 24(2)** (with regs. 9, 28)
 Sch. 2 para. 22 applied (2.10.2000) by S.I. 2000/2326, **reg. 25(3)(a)** (with regs. 9, 28)
- C44** Sch. 2 para. 22(1A)(2)(3) applied (with modifications) (14.12.2001) by 2001 c. 24, ss. **24(2)(a)**, 127(2)

- 23 (1) Where a recognizance entered into under paragraph 22 above appears to an adjudicator to be forfeited, the adjudicator may by order declare it to be forfeited and adjudge the persons bound thereby, whether as principal or sureties, or any of them, to pay the sum in which they are respectively bound or such part of it, if any, as the adjudicator thinks fit; and an order under this sub-paragraph shall specify a magistrates' court or, in Northern Ireland, court of summary jurisdiction, and—
- (a) the recognizance shall be treated for the purposes of collection, enforcement and remission of the sum forfeited as having been forfeited by the court so specified; and
- (b) the adjudicator shall, as soon as practicable, give particulars of the recognizance to the ^{F59}proper officer] of that court.

^{F60}(1A) In sub-paragraph (1) “proper officer” means—

- (a) in relation to a magistrates' court in England and Wales, the justices' chief executive for the court; and
- (b) in relation to a court of summary jurisdiction in Northern Ireland, the clerk of the court.]
- (2) Where a person released on bail under paragraph 22 above as it applies in Scotland fails to comply with the terms of his bail bond, an adjudicator may declare the bail to be forfeited, and any bail so forfeited shall be transmitted by the adjudicator to the sheriff court having jurisdiction in the area where the proceedings took place, and shall be treated as having been forfeited by that court.

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- (3) Any sum the payment of which is enforceable by a magistrates' court in England or Wales by virtue of this paragraph shall be treated for the [^{F61} purposes of the Justices of the Peace Act 1997 and, in particular, section 60 of that Act, as being] due under a recognizance forfeited by such a court . . . ^{F62}
- (4) Any sum the payment of which is enforceable by virtue of this paragraph by a court of summary jurisdiction in Northern Ireland shall, for the purposes of section 20(5) of the ^{M1} Administration of Justice Act (Northern Ireland) 1954, be treated as a forfeited recognizance.

Textual Amendments

- F59** Words in Sch. 2 para. 23(1)(b) substituted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 paras. 64, **70(1)(2)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F60** Sch. 2 para. 23(1A) inserted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 paras. 64, **70(1)(3)** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F61** Words in Sch. 2 para. 23(3) substituted (19.6.1997) by virtue of 1997 c. 25, ss. 73(2), 74(1), **Sch. 5 para. 10**
- F62** Words repealed by **Criminal Justice Act 1972 (c. 71), Sch. 6 Pt. II**

Modifications etc. (not altering text)

- C45** Sch. 2 para. 23 modified (3.8.1998) by 1997 c. 68, s. 3, **Sch. 3 para. 2**; S.I. 1998/1892, **art. 2**
Sch. 2 para. 23 applied (2.10.2000) by 1999 c. 33, ss. **9(4), 10(7)**; S.I. 2000/2444, **art. 2, Sch. 1** (subject to transitional provisions in **art. 3, Sch. 2 para. 2**)
Sch. 2 para. 23 applied (with modifications) (14.12.2001) by 2001 c. 24, ss. **24(2)(b), 127(2)**
- C46** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by S.I. 2000/2326, **reg. 24(2)** (with regs. 9, 28)

Marginal Citations

- M1** 1954 c. 9 (N.I.)

- 24 (1) An immigration officer or constable may arrest without warrant a person who has been released by virtue of paragraph 22 above—
- (a) if he has reasonable grounds for believing that that person is likely to break the condition of his recognizance or bail bond that he will appear at the time and place required or to break any other condition of it, or has reasonable ground to suspect that that person is breaking or has broken any such other condition; or
- (b) if, a recognizance with sureties having been taken, he is notified in writing by any surety of the surety's belief that that person is likely to break the first-mentioned condition, and of the surety's wish for that reason to be relieved of his obligations as a surety;
- and paragraph 17(2) above shall apply for the arrest of a person under this paragraph as it applies for the arrest of a person under paragraph 17.
- (2) A person arrested under this paragraph—
- (a) if not required by a condition on which he was released to appear before an immigration officer within twenty-four hours after the time of his arrest, shall as soon as practicable be brought before an adjudicator or, if that is not practicable within those twenty-four hours, before a justice of the peace

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- acting for the petty sessions area in which he is arrested or, in Scotland, the sheriff; and
- (b) if required by such a condition to appear within those twenty-four hours before an immigration officer, shall be brought before that officer.
- (3) An adjudicator, justice of the peace or sheriff before whom a person is brought by virtue of sub-paragraph (2)(a) above—
- (a) if of the opinion that that person has broken or is likely to break any condition on which he was released, may either—
- (i) direct that he be detained under the authority of the person by whom he was arrested; or
- (ii) release him, on his original recognizance or on a new recognizance, with or without sureties, or, in Scotland, on his original bail or on new bail; and
- (b) if not of that opinion, shall release him on his original recognizance or bail.

Modifications etc. (not altering text)

- C47** Sch. 2 para. 24 modified (3.8.1998) by 1997 c. 68, s. 3, **Sch. 3 para.3**; S.I. 1998/1892, **art.2**
 Sch. 2 para. 24 applied (2.10.2000) by 1999 c. 33, **ss. 9(4), 10(7)**; S.I. 2000/2444, **art. 2, Sch. 1** (subject to transitional provisions in **art. 3, Sch. 2 para. 2**)
 Sch. 2 para. 24 applied (with modifications) (14.12.2001) by 2001 c. 24, **ss. 24(2)(c)**, 127(2)
- C48** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by S.I. 2000/2326, **reg. 24(2)** (with **regs. 9, 28**)
 Sch. 2 para. 24 applied (2.10.2000) by S.I. 2000/2326, **reg. 25(3)(a)** (with **regs. 9, 28**)

- 25 The power to make rules of procedure conferred by [^{F63}section 106 of the Nationality, Immigration and Asylum Act 2002 (appeals)] shall include power to make rules with respect to applications to an adjudicator under paragraphs 22 to 24 above and matters arising out of such applications.

Textual Amendments

- F63** Words in **Sch. 2 para. 25** substituted (1.4.2003) by 2002 c. 41, s. 114, **Sch. 7 para. 5** (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 2003/1339))

[^{F64}Entry and search of premises]

Textual Amendments

- F64** Heading inserted (14.2.2000) by 1999 c. 33, s. 132(2); S.I. 2000/168, **art. 2, Sch**

[^{F65}25A(1) This paragraph applies if—

- (a) a person is arrested under this Schedule; or
- (b) a person who was arrested by a constable (other than under this Schedule) is detained by an immigration officer under this Schedule.

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- (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.
- (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.
- (7) An officer searching premises under sub-paragraph (2)—
 - (a) may seize and retain any documents he finds which he has reasonable grounds for believing are relevant documents; but
 - (b) may not retain any such document for longer than is necessary in view of the purpose for which the person was arrested.
- (8) But sub-paragraph (7)(a) does not apply to documents which the officer has reasonable grounds for believing are items subject to legal privilege.
- (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

F65 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.)

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[^{F66} Searching persons arrested by immigration officers]

Textual Amendments

F66 Heading inserted (14.2.2000) by 1999 c. 33, s. 134(2); S.I. 2000/168, art. 2, Sch

- ^{F67}25B(1) This paragraph applies if a person is arrested under this Schedule.
- (2) An immigration officer may search the arrested person if he has reasonable grounds for believing that the arrested person may present a danger to himself or others.
 - (3) The officer may search the arrested person for—
 - (a) anything which he might use to assist his escape from lawful custody; or
 - (b) any document which might—
 - (i) establish his identity, nationality or citizenship; or
 - (ii) indicate the place from which he has travelled to the United Kingdom or to which he is proposing to go.
 - (4) The power conferred by sub-paragraph (3) may be exercised—
 - (a) only if the officer has reasonable grounds for believing that the arrested person may have concealed on him anything of a kind mentioned in that sub-paragraph; and
 - (b) only to the extent that it is reasonably required for the purpose of discovering any such thing.
 - (5) A power conferred by this paragraph to search a person is not to be read as authorising an officer to require a person to remove any of his clothing in public other than an outer coat, jacket or glove; but it does authorise the search of a person's mouth.
 - (6) An officer searching a person under sub-paragraph (2) may seize and retain anything he finds, if he has reasonable grounds for believing that the person searched might use it to cause physical injury to himself or to another person.
 - (7) An officer searching a person under sub-paragraph (3)(a) may seize and retain anything he finds, if he has reasonable grounds for believing that he might use it to assist his escape from lawful custody.
 - (8) An officer searching a person under sub-paragraph (3)(b) may seize and retain anything he finds, other than an item subject to legal privilege, if he has reasonable grounds for believing that it might be a document falling within that sub-paragraph.
 - (9) Nothing seized under sub-paragraph (6) or (7) may be retained when the person from whom it was seized—
 - (a) is no longer in custody, or
 - (b) is in the custody of a court but has been released on bail.]

Textual Amendments

F67 Sch. 2 para. 25B inserted (14.2.2000) by 1999 c. 33, s. 134(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.)

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[^{F68} Searching persons in police custody]

Textual Amendments

F68 Heading inserted (14.2.2000) by 1999 c. 33, s. 135(2); S.I. 2000/168, art. 2, Sch

- [^{F69}25(1) This paragraph applies if a person—
- (a) has been arrested under this Schedule; and
 - (b) is in custody at a police station.
- (2) An immigration officer may, at any time, search the arrested person in order to ascertain whether he has with him—
- (a) anything which he might use to—
 - (i) cause physical injury to himself or others;
 - (ii) damage property;
 - (iii) interfere with evidence; or
 - (iv) assist his escape; or
 - (b) any document which might—
 - (i) establish his identity, nationality or citizenship; or
 - (ii) indicate the place from which he has travelled to the United Kingdom or to which he is proposing to go.
- (3) The power may be exercised only to the extent that the officer considers it to be necessary for the purpose of discovering anything of a kind mentioned in sub-paragraph (2).
- (4) An officer searching a person under this paragraph may seize and retain anything he finds, if he has reasonable grounds for believing that—
- (a) that person might use it for one or more of the purposes mentioned in sub-paragraph (2)(a); or
 - (b) it might be a document falling within sub-paragraph (2)(b).
- (5) But the officer may not retain anything seized under sub-paragraph (2)(a)—
- (a) for longer than is necessary in view of the purpose for which the search was carried out; or
 - (b) when the person from whom it was seized is no longer in custody or is in the custody of a court but has been released on bail.
- (6) The person from whom something is seized must be told the reason for the seizure unless he is—
- (a) violent or appears likely to become violent; or
 - (b) incapable of understanding what is said to him.
- (7) An intimate search may not be conducted under this paragraph.
- (8) The person carrying out a search under this paragraph must be of the same sex as the person searched.
- (9) “Intimate search” has the same meaning as in section 28H(11).]

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Textual Amendments

F69 Sch. 2 para. 25C inserted (14.2.2000) by 1999 c. 33, s. 135(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.)

[^{F70} Access and copying]

Textual Amendments

F70 Heading inserted (14.2.2000) by 1999 c. 33, s. 136(2); S.I. 2000/168, art. 2, Sch

- ^{F71}25(1) If a person showing himself—
- (a) to be the occupier of the premises on which seized material was seized, or
 - (b) to have had custody or control of the material immediately before it was seized,
- asks the immigration officer who seized the material for a record of what he seized, the officer must provide the record to that person within a reasonable time.
- (2) If a relevant person asks an immigration officer for permission to be granted access to seized material, the officer must arrange for that person to have access to the material under the supervision of an immigration officer.
 - (3) An immigration officer may photograph or copy, or have photographed or copied, seized material.
 - (4) If a relevant person asks an immigration officer for a photograph or copy of seized material, the officer must arrange for—
 - (a) that person to have access to the material under the supervision of an immigration officer for the purpose of photographing or copying it; or
 - (b) the material to be photographed or copied.
 - (5) A photograph or copy made under sub-paragraph (4)(b) must be supplied within a reasonable time.
 - (6) There is no duty under this paragraph to arrange for access to, or the supply of a photograph or copy of, any material if there are reasonable grounds for believing that to do so would prejudice—
 - (a) the exercise of any functions in connection with which the material was seized; or
 - (b) an investigation which is being conducted under this Act, or any criminal proceedings which may be brought as a result.
 - (7) “Relevant person” means—
 - (a) a person who had custody or control of seized material immediately before it was seized, or
 - (b) someone acting on behalf of such a person.
 - (8) “Seized material” means anything which has been seized and retained under this Schedule.]

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Textual Amendments

F71 Sch. 2 para. 25D inserted (14.2.2000) by 1999 c. 33, s. 136(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.)

[^{F72}25E Section 28L applies for the purposes of this Schedule as it applies for the purposes of Part III.]

Textual Amendments

F72 Sch. 2 para. 25E inserted (14.2.2000) by 1999 c. 33, s. 139; 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.)

Supplementary duties of those connected with ships or aircraft or with ports

26 (1) The owners or agents of a ship or aircraft employed to carry passengers for reward shall not, without the approval of the Secretary of State, arrange for the ship or aircraft to call at a port in the United Kingdom other than a port of entry for the purpose of disembarking passengers, if any of the passengers on board may not enter the United Kingdom without leave ^{F73} . . . , or for the purpose of embarking passengers unless the owners or agents have reasonable cause to believe all of them to be [^{F74}British citizens].

[^{F75}(1A) Sub-paragraph (1) does not apply in such circumstances, if any, as the Secretary of State may by order prescribe.]

(2) The Secretary of State may from time to time give written notice to the owners or agents of any ships or aircraft designating control areas for the embarkation or disembarkation of passengers in any port in the United Kingdom, and specifying the conditions and restrictions (if any) to be observed in any control area; and where by notice given to any owners or agents a control area is for the time being designated for the embarkation or disembarkation of passengers at any port, the owners or agents shall take all reasonable steps to secure that, in the case of their ships or aircraft, passengers do not embark or disembark, as the case may be, at the port outside the control area and that any conditions or restrictions notified to them are observed.

(3) The Secretary of State may also from time to time give to any persons concerned with the management of a port in the United Kingdom written notice designating control areas in the port and specifying conditions or restrictions to be observed in any control area; and any such person shall take all reasonable steps to secure that any conditions or restrictions as notified to him are observed.

[^{F76}(3A) The power conferred by sub-paragraph (1A) is exercisable by statutory instrument; and any such instrument shall be subject to annulment by a resolution of either House of Parliament.]

Textual Amendments

F73 Words in Sch. 2 para. 26(1) repealed (14.2.2000) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 43, 64(1) (2), Sch. 16; 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.)

F74 Words substituted by British Nationality Act 1981 (c. 61), s. 52(7), Sch. 4 para. 2 (with Sch. 8 para. 8)

Status: Point in time view as at 23/09/2004.

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- F75** Sch. 2 para. 26(1A) inserted (14.2.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, 64(1)(3); 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.)
- F76** Sch. 2 para. 26(3A) inserted (14.2.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, 64(1)(4); 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.)

Modifications etc. (not altering text)

- C49** Sch. 2 para. 26(1) amended (17.2.2003 for certain purposes and 1.4.2003 otherwise) by 1999 c. 33, s. 25(4)(a); S.I. 2003/2, art. 2, Sch.

- 27 (1) The captain of a ship or aircraft arriving in the United Kingdom—
- (a) shall take such steps as may be necessary to secure that persons on board do not disembark there unless either they have been examined by an immigration officer, or they disembark in accordance with arrangements approved by an immigration officer, or they are members of the crew who may lawfully enter the United Kingdom without leave by virtue of section 8(1) of this Act; and
 - (b) where the examination of persons on board is to be carried out on the ship or aircraft, shall take such steps as may be necessary to secure that those to be examined are presented for the purpose in an orderly manner.
- (2) The Secretary of State may by order made by statutory instrument make provision for requiring captains of ships or aircraft arriving in the United Kingdom, or of such of them as arrive from or by way of countries or places specified in the order, to furnish to immigration officers—
- (a) a passenger list showing the names and nationality or citizenship of passengers arriving on board the ship or aircraft;
 - (b) particulars of members of the crew of the ship or aircraft;
- and for enabling an immigration officer to dispense with the furnishing of any such list or particulars.

[^{F77} Supplementary duties of the Concessionaires]

Textual Amendments

- F77** Sch. 2 para. 27A inserted by S.I. 1990/2227, art. 3, Sch. 1 para. 13

^{F78}27A

Textual Amendments

- F78** Sch. 2 para. 27A repealed (2.8.1993) by S.I. 1993/1813, art. 9, 1, Sch. 6 Pt.I

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[^{F79} Passenger information]

Textual Amendments

F79 Heading inserted (3.4.2000) by 1999 c. 33, s. 18; S.I. 2000/464, art. 2, Sch.

- ^{F80}27B(1) This paragraph applies to ships or aircraft—
- (a) which have arrived, or are expected to arrive, in the United Kingdom; or
 - (b) which have left, or are expected to leave, the United Kingdom.
- (2) If an immigration officer asks the owner or agent (“the carrier”) of a ship or aircraft for passenger information, the carrier must provide that information to the officer.
- (3) The officer may ask for passenger information relating to—
- (a) a particular ship or particular aircraft of the carrier;
 - (b) particular ships or aircraft (however described) of the carrier; or
 - (c) all of the carrier’s ships or aircraft.
- (4) The officer may ask for—
- (a) all passenger information in relation to the ship or aircraft concerned; or
 - (b) particular passenger information in relation to that ship or aircraft.
- (5) A request under sub-paragraph (2)—
- (a) must be in writing;
 - (b) must state the date on which it ceases to have effect; and
 - (c) continues in force until that date, unless withdrawn earlier by written notice by an immigration officer.
- (6) The date may not be later than six months after the request is made.
- (7) The fact that a request under sub-paragraph (2) has ceased to have effect as a result of sub-paragraph (5) does not prevent the request from being renewed.
- (8) The information must be provided—
- (a) in such form and manner as the Secretary of State may direct; and
 - (b) at such time as may be stated in the request.
- (9) “Passenger information” means such information relating to the passengers carried, or expected to be carried, by the ship or aircraft as may be specified.
- (10) “Specified” means specified in an order made by statutory instrument by the Secretary of State.
- (11) Such an instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

F80 Sch. 2 para. 27B inserted (3.4.2000) by 1999 c. 33, s. 18; S.I. 2000/464, art. 2, Sch. (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)

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[^{F81} Notification of non-EEA arrivals]

Textual Amendments

F81 Heading inserted (3.4.2000) by 1999 c. 33, s. 19; S.I. 2000/464, art. 2, Sch.

- ^{F82}27(1) If a senior officer, or an immigration officer authorised by a senior officer, gives written notice to the owner or agent (“the carrier”) of a ship or aircraft, the carrier must inform a relevant officer of the expected arrival in the United Kingdom of any ship or aircraft—
- (a) of which he is the owner or agent; and
 - (b) which he expects to carry a person who is not an EEA national.
- (2) The notice may relate to—
- (a) a particular ship or particular aircraft of the carrier;
 - (b) particular ships or aircraft (however described) of the carrier; or
 - (c) all of the carrier’s ships or aircraft.
- (3) The notice—
- (a) must state the date on which it ceases to have effect; and
 - (b) continues in force until that date, unless withdrawn earlier by written notice given by a senior officer.
- (4) The date may not be later than six months after the notice is given.
- (5) The fact that a notice under sub-paragraph (1) has ceased to have effect as a result of sub-paragraph (3) does not prevent the notice from being renewed.
- (6) The information must be provided—
- (a) in such form and manner as the notice may require; and
 - (b) before the ship or aircraft concerned departs for the United Kingdom.
- (7) If a ship or aircraft travelling to the United Kingdom stops at one or more places before arriving in the United Kingdom, it is to be treated as departing for the United Kingdom when it leaves the last of those places.
- (8) “Senior officer” means an immigration officer not below the rank of chief immigration officer.
- (9) “Relevant officer” means—
- (a) the officer who gave the notice under sub-paragraph (1); or
 - (b) any immigration officer at the port at which the ship or aircraft concerned is expected to arrive.
- (10) “EEA national” means a national of a State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as it has effect for the time being.]

Textual Amendments

F82 Sch. 2 para. 27C inserted (3.4.2000) by 1999 c. 33, s. 19; S.I. 2000/464, art. 2, Sch. (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)

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PART II

EFFECT OF APPEALS

Modifications etc. (not altering text)

- C50** Sch. 2 Pt. II amended (26.7.1993) by 1993 c. 23, s. 8(6), **Sch. 2 para.9**; S.I. 1993/1655, **art.2**
Sch. 2 Pt. II extended (with modifications) (Isle of Man) (1.4.1997) by S.I. 1997/275, **art. 2(1)**, Sch.
Sch. 2 Pt. II: power to modify conferred (11.6.1998) by 1997 c. 68, s. 5(4)(a); S.I. 1998/1336, **art.2**
Sch. 2 Pt. II extended (3.8.1998) by 1997 c. 68, s. 2, **Sch. 2 paras.3(1), 4**; S.I. 1998/1892, **art.2**

Stay on directions for removal

^{F83}28

Textual Amendments

- F83** Sch. 2 para. 28 repealed (2.10.2000) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 43, 65, **Sch. 16**; S.I. 2000/2444, **art. 2, Sch. 1** (subject to transitional provisions in art. 3, Sch. 2 para. 2)

Modifications etc. (not altering text)

- C51** Sch. 2 para. 28 continued (14.3.2003) by The Nationality, Immigration and Asylum Act 2002 (Commencement No. 4) Order 2003 (S.I. 2003/754), arts. 3, 4, **Sch. 2 para. 2(10)(a)**

Grant of bail pending appeal

- 29 (1) Where a person (in the following provisions of this Schedule referred to as “an appellant”) has an appeal pending under [^{F84}Part 5 of the Nationality, Immigration and Asylum Act 2002] and is for the time being detained under Part I of this Schedule, he may be released on bail in accordance with this paragraph.
- (2) An immigration officer not below the rank of chief immigration officer or a police officer not below the rank of inspector may release an appellant on his entering into a recognizance or, in Scotland, bail bond conditioned for his appearance before an adjudicator or the [^{F85}Immigration Appeal Tribunal] at a time and place named in the recognizance or bail bond.
- (3) An adjudicator may release an appellant on his entering into a recognizance or, in Scotland, bail bond conditioned for his appearance before that or any other adjudicator or the [^{F85}Immigration Appeal Tribunal] at a time and place named in the recognizance or bail bond; and where an adjudicator dismisses an appeal but grants leave to the appellant to appeal to the Tribunal, or, in a case in which leave to appeal is not required, the appellant has duly given notice of appeal to the Tribunal, the adjudicator shall, if the appellant so requests, exercise his powers under this subparagraph.
- (4) Where an appellant has duly applied for leave to appeal to the [^{F85}Immigration Appeal Tribunal], the Tribunal may release him on his entering into a recognizance or, in Scotland, bail bond conditioned for his appearance before the Tribunal at a time and place named in the recognizance or bail bond; and where—

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- (a) the Tribunal grants leave to an appellant to appeal to the Tribunal; or
- (b) in a case in which leave to appeal is not required, the appellant has duly given notice of appeal to the Tribunal;
- the Tribunal shall, if the appellant so requests, release him as aforesaid.
- (5) The conditions of a recognizance or bail bond taken under this paragraph may include conditions appearing to the person fixing the bail to be likely to result in the appearance of the appellant at the time and place named; and any recognizance shall be with or without sureties as that person may determine.
- (6) In any case in which an adjudicator or the Tribunal has power or is required by this paragraph to release an appellant on bail, the adjudicator or Tribunal may, instead of taking the bail, fix the amount and conditions of the bail (including the amount in which any sureties are to be bound) with a view to its being taken subsequently by any such person as may be specified by the adjudicator or the Tribunal; and on the recognizance or bail bond being so taken the appellant shall be released.

Textual Amendments

- F84** Words in Sch. 2 para. 29(1) substituted (1.4.2003) by 2002 c. 41, s. 114, Sch. 7 para. 6(a) (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 2003/1339))
- F85** Words in Sch. 2 para. 29 substituted (1.4.2003) by 2002 c. 41, s. 114, Sch. 7 para. 6(b) (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 2003/1339))

Modifications etc. (not altering text)

- C52** Sch. 2 para. 29 modified (retrospectively and temp.) by Immigration Act 2016 (c. 19), ss. 61(3)-(5), 94(3) (with s. 61(6))
- C53** Sch. 2 para. 29 amended (1.9.1996) by 1996 c. 49, s. 3(6); S.I. 1996/2053, art. 2, Sch. Pt. II
 Sch. 2 para. 29 applied (2.10.2000 with application as mentioned in regs. 9, 28) by S.I. 2000/2326, reg. 32(6)(7) (as substituted (1.4.2003) for reg. 34(6)(10) by S.I. 2003/549, reg. 2(8) (with reg. 3))
 Sch. 2 para. 29 modified (3.8.1998) by 1997 c. 68, s. 3, Sch. 3 para. 4; S.I. 1998/1892, art. 2
- C54** Sch. 2 para. 29(1) excluded (14.3.2003) by The Nationality, Immigration and Asylum Act 2002 (Commencement No. 4) Order 2003 (S.I. 2003/754), arts. 3, 4, Sch. 2 para. 2(10)(b)(i)
- C55** Sch. 2 para. 29(5)(6) applied (1.9.1996) by 1993 c. 23, s. 9A (as inserted (1.9.1996) by 1996 c. 49, s. 12(2), Sch. 3 para. 3; S.I. 1996/2053, art. 2, Sch. Pt. II)

Restrictions on grant of bail

- 30 (1) An appellant shall not be released under paragraph 29 above without the consent of the Secretary of State if directions for the removal of the appellant from the United Kingdom are for the time being in force, or the power to give such directions is for the time being exercisable.
- (2) Notwithstanding paragraph 29(3) or (4) above, an adjudicator and the Tribunal shall not be obliged to release an appellant unless the appellant enters into a proper recognizance, with sufficient and satisfactory sureties if required, or in Scotland sufficient and satisfactory bail is found if so required; and an adjudicator and the Tribunal shall not be obliged to release an appellant if it appears to the adjudicator or the Tribunal, as the case may be—

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- (a) that the appellant, having on any previous occasion been released on bail (whether under paragraph 24 or under any other provision), has failed to comply with the conditions of any recognizance or bail bond entered into by him on that occasion;
- (b) that the appellant is likely to commit an offence unless he is retained in detention;
- (c) that the release of the appellant is likely to cause danger to public health;
- (d) that the appellant is suffering from mental disorder and that his continued detention is necessary in his own interests or for the protection of any other person; or
- (e) that the appellant is under the age of seventeen, that arrangements ought to be made for his care in the event of his release and that no satisfactory arrangements for that purpose have been made.

Modifications etc. (not altering text)

- C56** Sch. 2 paras. 30-33 applied (with modifications) (1.9.1996) by 1993 c. 23, s. 9A (as inserted (1.9.1996) by 1996 c. 49, s. 12(2), Sch. 3 para.3; S.I. 1996/2053, art. 2, Sch. Pt.II)
Sch. 2 para. 30 modified (3.8.1998) by 1997 c. 68, s. 3, Sch. 3 para.5; S.I. 1998/1892, art.2
- C57** Sch. 2 para. 30(1) applied (with modifications) (14.12.2001) by 2001 c. 24, ss. 24(2)(d), 127(2)

Forfeiture of recognizances

- 31 (1) Where under paragraph 29 above (as it applies in England and Wales or in Northern Ireland) a recognizance is entered into conditioned for the appearance of an appellant before an adjudicator or the Tribunal, and it appears to the adjudicator or the Tribunal, as the case may be, to be forfeited, the adjudicator or Tribunal may by order declare it to be forfeited and adjudge the persons bound thereby, whether as principal or sureties, or any of them, to pay the sum in which they are respectively bound or such part of it, if any, as the adjudicator or Tribunal thinks fit.
- (2) An order under this paragraph shall, for the purposes of this sub-paragraph, specify a magistrates' court or, in Northern Ireland, court of summary jurisdiction; and the recognizance shall be treated for the purposes of collection, enforcement and remission of the sum forfeited as having been forfeited by the court so specified.
- (3) Where an adjudicator or the Tribunal makes an order under this paragraph the adjudicator or Tribunal shall, as soon as practicable, give particulars of the recognizance to the [^{F86}proper officer] of the court specified in the order in pursuance of sub-paragraph (2) above.
- [^{F87}(3A) In sub-paragraph (3) “proper officer” means—
- (a) in relation to a magistrates' court in England and Wales, the justices' chief executive for the court; and
 - (b) in relation to a court of summary jurisdiction in Northern Ireland, the clerk of the court.]
- (4) Any sum the payment of which is enforceable by a magistrates' court in England or Wales by virtue of this paragraph shall be treated for the [^{F88}purposes of the Justices

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of the Peace Act 1997 and, in particular, section 60 of that Act, as being] due under a recognizance forfeited by such a court . . . ^{F89}

- (5) Any sum the payment of which is enforceable by virtue of this paragraph by a court of summary jurisdiction in Northern Ireland shall, for the purposes of section 20(5) of the ^{M2}Administration of Justice Act (Northern Ireland) 1954, be treated as a forfeited recognizance.

Textual Amendments

- F86** Words in Sch. 2 para. 31(3) substituted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 paras. 64, **70(1)(4)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F87** Sch. 2 para. 31(3A) inserted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 paras. 64, **70(1)(5)** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F88** Words in Sch. 2 para. 31(4) substituted (19.6.1997) by virtue of 1997 c. 25, ss. 73(2), 74(1), **Sch. 5 para. 10**
- F89** Words repealed by **Criminal Justice Act 1972 (c. 71), Sch. 6 Pt. II**

Modifications etc. (not altering text)

- C58** Sch. 2 paras. 30-33 applied (with modifications) (1.9.1996) by 1993 c. 23, **s. 9A** (as inserted (1.9.1996) by 1996 c. 49, s. 12(2), **Sch. 3 para. 3**; S.I. 1996/2053, art. 2, **Sch. Pt. II**)
- Sch. 2 para. 31 modified (3.8.1998) by 1997 c. 68, s. 3, **Sch. 3 para. 6**; S.I. 1998/1892, **art. 2**

Marginal Citations

- M2** 1954 c. 9 (N.I.)

- 32 Where under paragraph 29 above (as it applies in Scotland) a person released on bail fails to comply with the terms of a bail bond conditioned for his appearance before an adjudicator or the Tribunal, the adjudicator or Tribunal may declare the bail to be forfeited, and any bail so forfeited shall be transmitted by the adjudicator or the Tribunal to the sheriff court having jurisdiction in the area where the proceedings took place, and shall be treated as having been forfeited by that court.

Modifications etc. (not altering text)

- C59** Sch. 2 paras. 30-33 applied (with modifications) (1.9.1996) by 1993 c. 23, **s. 9A** (as inserted (1.9.1996) by 1996 c. 49, s. 12(2), **Sch. 3 para.3**; S.I. 1996/2053, art. 2, **Sch. Pt.II**)
- Sch. 2 para. 32 modified (3.8.1998) by 1997 c. 68, s. 3, **Sch. 3 para.7**; S.I. 1998/1892, **art.2**

Arrest of appellants released on bail

- 33 (1) An immigration officer or constable may arrest without warrant a person who has been released by virtue of this Part of this Schedule—
- (a) if he has reasonable grounds for believing that that person is likely to break the condition of his recognizance or bail bond that he will appear at the time and place required or to break any other condition of it, or has reasonable ground to suspect that that person is breaking or has broken any such other condition; or

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- (b) if, a recognizance with sureties having been taken, he is notified in writing by any surety of the surety's belief that that person is likely to break the first-mentioned condition, and of the surety's wish for that reason to be relieved of his obligations as a surety;

and paragraph 17(2) above shall apply for the arrest of a person under this paragraph as it applies for the arrest of a person under paragraph 17.

(2) A person arrested under this paragraph—

- (a) if not required by a condition on which he was released to appear before an adjudicator or Tribunal within twenty-four hours after the time of his arrest, shall as soon as practicable be brought before an adjudicator or, if that is not practicable within those twenty-four hours, before a justice of the peace acting for the petty sessions area in which he is arrested or, in Scotland, the sheriff; and

- (b) if required by such a condition to appear within those twenty-four hours before an adjudicator or before the Tribunal, shall be brought before that adjudicator or before the Tribunal, as the case may be.

(3) An adjudicator, justice of the peace or sheriff before whom a person is brought by virtue of sub-paragraph (2)(a) above—

- (a) if of the opinion that that person has broken or is likely to break any condition on which he was released, may either—

(i) direct that he be detained under the authority of the person by whom he was arrested; or

(ii) release him on his original recognizance or on a new recognizance, with or without sureties, or, in Scotland, on his original bail or on new bail; and

- (b) if not of that opinion, shall release him on his original recognizance or bail.

Modifications etc. (not altering text)

C60 Sch. 2 paras. 30-33 applied (with modifications) (1.9.1996) by 1993 c. 23, s. 9A (as inserted (1.9.1996) by 1996 c. 49, s. 12(2), Sch. 3 para.3; S.I. 1996/2053, art. 2, Sch. Pt.II)
Sch. 2 para. 33 modified (3.8.1998) by 1997 c. 68, s. 3, Sch. 3 para.8; S.I. 1998/1892, art.2

^{F90}Grant of bail pending removal

Textual Amendments

F90 Sch. 2 para. 34 and cross heading inserted (1.9.1996) by 1996 c. 49, s. 12(1), Sch. 2 para.12; S.I. 1996/2053, art. 2, Sch. Pt.II

^{F91}34 (1) Paragraph 22 above shall apply in relation to a person—

- (a) directions for whose removal from the United Kingdom are for the time being in force; and
(b) who is for the time being detained under Part I of this Schedule,

as it applies in relation to a person detained under paragraph 16(1) above pending examination ^{F92}, detained under paragraph 16(1A) above pending completion of

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his examination or a decision on whether to cancel his leave to enter]]or detained under paragraph 16(2) above pending the giving of directions.

- (2) Paragraphs 23 to 25 above shall apply as if any reference to paragraph 22 above included a reference to that paragraph as it applies by virtue of this paragraph.

Textual Amendments

- F91** Sch. 2 para. 34 and cross heading inserted (1.9.1996) by 1996 c. 49, s. 12(1), **Sch. 2 para. 12**; S.I. 1996/2053, art. 2, **Sch. Pt. II**
- F92** Words in Sch. 2 para. 34(1) inserted (14.2.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, **67**; S.I. 2000/168, art. 2, **Sch**

SCHEDULE 3

Section 5.

SUPPLEMENTARY PROVISIONS AS TO DEPORTATION

Modifications etc. (not altering text)

- C61** Schs. 2-4 extended (with modifications) to Guernsey (1.8.1993) by S.I. 1993/1796, art. 3(1), **Sch. 1 Pt. I**
- Schs. 2-4 extended (with modifications) to Jersey (1.8.1993) by S.I. 1993/1797, art. 3(1), **Sch. 1 Pt. I** (as amended (17.10.2012) by S.I. 2012/2593, arts. 1, 2(2))
- Sch. 3 modified (2.8.1993) by S.I. 1993/1813, arts. 7(1), 1, **Sch. 4 para. 1(12)**
- Sch. 3 amended (2.10.2000) by 1999 c. 33, s. 58(3), **Sch. 4 Pt. II para. 15**; S.I. 2000/2444, art. 2, **Sch** (subject to transitional provisions in art. 3, Sch. 2 para. 2)
- Sch. 3 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** (subject to transitional provisions in art. 3, Sch. 2 para. 2)
- Sch. 3 applied (2.10.2000 with application as mentioned in reg. 9) by S.I. 2000/2326, **reg. 26(3)**
- Sch. 3 restricted (2.10.2000 with application as mentioned in regs. 9, 28) by S.I. 2000/2326, **reg. 32(2)(7)** (as substituted (1.4.2003) for reg. 34(2)(10) by S.I. 2003/549, **reg. 2(8)** (with reg. 3))
- Sch. 3 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))

Removal of persons liable to deportation

- 1 (1) Where a deportation order is in force against any person, the Secretary of State may give directions for his removal to a country or territory specified in the directions being either—
- (a) a country of which he is a national or citizen; or
 - (b) a country or territory to which there is reason to believe that he will be admitted.
- (2) The directions under sub-paragraph (1) above may be either—
- (a) directions given to the captain of a ship or aircraft about to leave the United Kingdom requiring him to remove the person in question in that ship or aircraft; or

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- (b) directions given to the owners or agents of any ship or aircraft requiring them to make arrangements for his removal in a ship or aircraft specified or indicated in the directions; or
 - (c) directions for his removal in accordance with arrangements to be made by the Secretary of State.
- (3) In relation to directions given under this paragraph, paragraphs 11 and 16(4) of Schedule 2 to this Act shall apply, with the substitution of references to the Secretary of State for references to an immigration officer, as they apply in relation to directions for removal given under paragraph 8 of that Schedule.
- (4) The Secretary of State, if he thinks fit, may apply in or towards payment of the expenses of or incidental to the voyage from the United Kingdom of a person against whom a deportation order is in force, or the maintenance until departure of such a person and his dependants, if any, any money belonging to that person; and except so far as they are paid as aforesaid, those expenses shall be defrayed by the Secretary of State.

Detention or control pending deportation

- 2 (1) Where a recommendation for deportation made by a court is in force in respect of any person, and that person is neither detained in pursuance of the sentence or order of any court nor for the time being released on bail by any court having power so to release him, he shall, unless the court by which the recommendation is made otherwise directs [^{F93}or a direction is given under sub-paragraph (1A) below,] be detained pending the making of a deportation order in pursuance of the recommendation, unless the Secretary of State directs him to be released pending further consideration of his case [^{F94}or he is released on bail].-
- [^{F95}(1A) Where—
- (a) a recommendation for deportation made by a court on conviction of a person is in force in respect of him; and
 - (b) he appeals against his conviction or against that recommendation,
- the powers that the court determining the appeal may exercise include power to direct him to be released without setting aside the recommendation.]
- (2) Where notice has been given to a person in accordance with regulations under [^{F96}section 105 of the Nationality, Immigration and Asylum Act 2002 (notice of decision)] of a decision to make a deportation order against him, and he is neither detained in pursuance of the sentence or order of a court nor for the time being released on bail by a court having power so to release him, he may be detained under the authority of the Secretary of State pending the making of the deportation order.
- (3) Where a deportation order is in force against any person, he may be detained under the authority of the Secretary of State pending his removal or departure from the United Kingdom (and if already detained by virtue of sub-paragraph (1) or (2) above when the order is made, shall continue to be detained unless [^{F97}he is released on bail or] the Secretary of State directs otherwise).
- (4) In relation to detention under sub-paragraph (2) or (3) above, paragraphs 17 [^{F98},18 and 25A to 25E] of Schedule 2 to this Act shall apply as they apply in relation to detention under paragraph 16 of that Schedule.

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- [^{F99}(4A) Paragraphs 22 to 25 of Schedule 2 to this Act apply in relation to a person detained under sub-paragraph (1), (2) or (3) as they apply in relation to a person detained under paragraph 16 of that Schedule.]
- [^{F100}(5) A person to whom this sub-paragraph applies shall be subject to such restrictions as to residence [^{F101}, as to his employment or occupation] and as to reporting to the police [^{F102}or an immigration officer] as may from time to time be notified to him in writing by the Secretary of State.
- (6) The persons to whom sub-paragraph (5) above applies are—
- (a) a person liable to be detained under sub-paragraph (1) above, while by virtue of a direction of the Secretary of State he is not so detained; and
 - (b) a person liable to be detained under sub-paragraph (2) or (3) above, while he is not so detained.]

Textual Amendments

- F93** Words inserted by [Criminal Justice Act 1982 \(c. 48\)](#), s. 80(2), **Sch. 10 para. 1 (a)**
- F94** Words in Sch. 3 para. 2(1) inserted (10.2.2003) by [1999 c. 33](#), s. 54(1)(2); S.I. 2003/2, **art. 2**, Sch.
- F95** Para. 2(1A) inserted by [Criminal Justice Act 1982 \(c. 48\)](#), s. 80(2), **Sch. 10 para. 1 (b)**
- F96** Words in Sch. 3 para. 2(2) substituted (1.4.2003) by [2002 c. 41](#), s. 114, **Sch. 7 para. 7** (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 2003/1339))
- F97** Words in Sch. 3 para. 2(3) inserted (10.2.2003) by [1999 c. 33](#), s. 54(1)(3); S.I. 2003/2, **art. 2**, Sch.
- F98** Words in Sch. 3 para. 2(4) substituted (14.2.2000) by [1999 c. 33](#), s. 169(1), **Sch. 14 paras. 43, 68**; 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.)
- F99** Sch. 3 para. 2(4A) inserted (10.2.2003) by [1999 c. 33](#), s. 54(1)(4); S.I. 2003/2, **art. 2**, Sch.
- F100** Para. 2(5)(6) substituted for para. 2(5) by [Criminal Justice Act 1982 \(c. 48\)](#), s. 80(2), **Sch. 10 para. 1 (c)**
- F101** Words inserted by [Immigration Act 1988 \(c. 14, SIF 62\)](#), s. 10, **Sch. para. 10(2)(4)**
- F102** Words in Sch. 3 para. 2(5) inserted (1.10.1996) by [1996 c. 49](#), s. 12(1), **Sch. 2 para. 13**; S.I. 1996/2053, **art. 2**, **Sch. Pt. II**

Modifications etc. (not altering text)

- C62** Sch. 3 para. 2(3)(4)(6) amended (26.7.1993) by [1993 c. 23](#), s. 7(4); S.I. 1993/1655, **art. 2**
 Sch. 3 para. 2 extended (14.12.2001) by [2001 c. 24](#), s. 23(2)(b)

Effect of appeals

- [^{F103} So far as they relate to an appeal under section 82(1) of the Nationality, Immigration and Asylum Act 2002 against a decision of the kind referred to in section 82(2)(j) or (k) of that Act (decision to make deportation order and refusal to revoke deportation order), paragraphs 29 to 33 of Schedule 2 to this Act shall apply for the purposes of this Schedule as if the reference in paragraph 29(1) to Part I of that Schedule were a reference to this Schedule.]

Textual Amendments

- F103** Sch. 3 para. 3 substituted (1.4.2003) by [2002 c. 41](#), s. 114, **Sch. 7 para. 8** (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 2003/1339))

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Powers of courts pending deportation

- [^{F104}4 Where the release of a person recommended for deportation is directed by a court, he shall be subject to such restrictions as to residence [^{F105}, as to his employment or occupation] and as to reporting to the police as the court may direct.]

Textual Amendments

F104 Paras. 4—10 added (31.1.1983) by [Criminal Justice Act 1982 \(c. 48\)](#), s. 80(2), [Sch. 10 para. 2](#)

F105 Words inserted by [Immigration Act 1988 \(c. 14, SIF 62\)](#), s. 10, [Sch. para. 10\(2\)\(4\)](#)

- 5 (1) On an application made—
- (a) by or on behalf of a person recommended for deportation whose release was so directed; or
 - (b) by a constable; or
 - (c) by an immigration officer,
- the appropriate court shall have the powers specified in sub-paragraph (2) below.
- (2) The powers mentioned in sub-paragraph (1) above are—
- (a) if the person to whom the application relates is not subject to any such restrictions imposed by a court as are mentioned in paragraph 4 above, to order that he shall be subject to any such restrictions as the court may direct; and
 - (b) if he is subject to such restrictions imposed by a court by virtue of that paragraph or this paragraph—
 - (i) to direct that any of them shall be varied or shall cease to have effect; or
 - (ii) to give further directions as to his residence and reporting.
- 6 (1) In this Schedule “the appropriate court” means, except in a case to which sub-paragraph (2) below applies, the court which directed release.
- (2) This sub-paragraph applies where the court which directed release was—
- (a) the Crown Court;
 - (b) the Court of Appeal;
 - (c) the High Court of Justiciary;
 - (d) the Crown Court in Northern Ireland; or
 - (e) the Court of Appeal in Northern Ireland.
- (3) Where the Crown Court or the Crown Court in Northern Ireland directed release, the appropriate court is—
- (a) the court that directed release; or
 - (b) a magistrates’ court acting for the commission area or county court division where the person to whom the application relates resides.
- (4) Where the Court of Appeal or the Court of Appeal in Northern Ireland gave the direction, the appropriate court is the Crown Court or the Crown Court in Northern Ireland, as the case may be.
- (5) Where the High Court of Justiciary directed release, the appropriate court is—
- (a) that court; or

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- (b) in a case where release was directed by that court on appeal, the court from which the appeal was made.
- 7 (1) A constable or immigration officer may arrest without warrant any person who is subject to restrictions imposed by a court under this Schedule and who at the time of the arrest is in the relevant part of the United Kingdom—
- (a) if he has reasonable grounds to suspect that that person is contravening or has contravened any of those restrictions; or
- (b) if he has reasonable grounds for believing that that person is likely to contravene any of them.
- (2) In sub-paragraph (1) above “the relevant part of the United Kingdom” means—
- (a) England and Wales, in a case where a court with jurisdiction in England or Wales imposed the restrictions;
- (b) Scotland, in a case where a court with jurisdiction in Scotland imposed them; and
- (c) Northern Ireland, in a case where a court in Northern Ireland imposed them.
- 8 (1) A person arrested in England or Wales or Northern Ireland in pursuance of paragraph 7 above shall be brought as soon as practicable and in any event within 24 hours after his arrest before a justice of the peace for the petty sessions area or district in which he was arrested.
- (2) In reckoning for the purposes of this paragraph any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.
- 9 (1) A person arrested in Scotland in pursuance of paragraph 7 above shall wherever practicable be brought before the appropriate court not later than in the course of the first day after his arrest, such day not being a Saturday, a Sunday or a court holiday prescribed for that court under section 10 of the ^{M3}Bail etc. (Scotland) Act 1980.
- (2) Nothing in this paragraph shall prevent a person arrested in Scotland being brought before a court on a Saturday, a Sunday or such a court holiday as is mentioned in sub-paragraph (1) above where the court is, in pursuance of section 10 of the said Act of 1980, sitting on such day for the disposal of criminal business.

Marginal Citations

M3 1980 c. 40.

- 10 Any justice of the peace or court before whom a person is brought by virtue of paragraph 8 or 9 above—
- (a) if of the opinion that that person is contravening, has contravened or is likely to contravene any restriction imposed on him by a court under this Schedule, may direct—
- (i) that he be detained; or
- (ii) that he be released subject to such restrictions as to his residence and reporting to the police as the court may direct; and
- (b) if not of that opinion, shall release him without altering the restrictions as to his residence and his reporting to the police.

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SCHEDULE 4

Section 9.

INTEGRATION WITH UNITED KINGDOM LAW OF IMMIGRATION LAW OF ISLANDS

Modifications etc. (not altering text)

C63 Sch. 4 extended (with modifications) (1.8.1993) by [S.I. 1993/1796](#), art 3(1), Sch. 1 Pt. I (Guernsey), S.I. 1993/1797, art. 3(1), Sch. 1 Pt. I (Jersey) (as amended (17.10.2012) by [S.I. 2012/2593](#), [arts. 1, 2\(2\)](#))

Leave to enter

- 1 (1) Where under the immigration laws of any of the Islands a person is or has been given leave to enter or remain in the island, or is or has been refused leave, this Act shall have effect in relation to him, if he is not [^{F106}a British citizen], as if the leave were leave (of like duration) given under this Act to enter or remain in the United Kingdom, or, as the case may be, as if he had under this Act been refused leave to enter the United Kingdom.
- (2) Where under the immigration laws of any of the Islands a person has a limited leave to enter or remain in the island subject to any such conditions as are authorised in the United Kingdom by section 3(1) of this Act (being conditions imposed by notice given to him, whether the notice of leave or a subsequent notice), then on his coming to the United Kingdom this Act shall apply, if he is not [^{F106}a British citizen], as if those conditions related to his stay in the United Kingdom and had been imposed by notice under this Act.
- (3) Without prejudice to the generality of sub-paragraphs (1) and (2) above, anything having effect in the United Kingdom by virtue of either of those sub-paragraphs may in relation to the United Kingdom be varied or revoked under this Act in like manner, and subject to the like appeal (if any), as if it had originated under this Act as mentioned in that sub-paragraph.
- (4) Where anything having effect in the United Kingdom by virtue of sub-paragraph (1) or (2) above ceases to have effect or is altered in effect as mentioned in sub-paragraph (3) or otherwise by anything done under this Act, sub-paragraph (1) or (2) shall not thereafter apply to it or, as the case may be, shall apply to it as so altered in effect.
- (5) Nothing in this paragraph shall be taken as conferring on a person a right of appeal under this Act against any decision or action taken in any of the Islands.

Textual Amendments

F106 Words substituted by [British Nationality Act 1981 \(c. 61\)](#), s. 52(7), [Sch. 4 para. 2](#) (with [Sch. 8 para. 8](#))

- 2 Notwithstanding section 3(4) of this Act, leave given to a person under this Act to enter or remain in the United Kingdom shall not continue to apply on his return to the United Kingdom after an absence if he has during that absence entered any of the Islands in circumstances in which he is required under the immigration laws of that island to obtain leave to enter.

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Deportation

- [^{F107}3 (1) This Act has effect in relation to a person who is subject to an Islands deportation order as if the order were a deportation order made against him under this Act.
- (2) Sub-paragraph (1) does not apply if the person concerned is—
- (a) a British citizen;
 - (b) an EEA national;
 - (c) a member of the family of an EEA national; or
 - (d) a member of the family of a British citizen who is neither such a citizen nor an EEA national.
- (3) The Secretary of State does not, as a result of sub-paragraph (1), have power to revoke an Islands deportation order.
- (4) In any particular case, the Secretary of State may direct that paragraph (b), (c) or (d) of sub-paragraph (2) is not to apply in relation to the Islands deportation order.
- (5) Nothing in this paragraph makes it unlawful for a person in respect of whom an Islands deportation order is in force in any of the Islands to enter the United Kingdom on his way from that island to a place outside the United Kingdom.
- (6) “Islands deportation order” means an order made under the immigration laws of any of the Islands under which a person is, or has been, ordered to leave the island and forbidden to return.
- (7) Subsections (10) and (12) to (14) of section 80 of the Immigration and Asylum Act 1999 apply for the purposes of this section as they apply for the purposes of that section.]

Textual Amendments

F107 Sch. 4 para. 3 substituted (2.10.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, 70; S.I. 2000/2444, art. 2, Sch (subject to transitional provisions in art. 3, Sch. 2 para. 2)

Illegal entrants

- 4 Notwithstanding anything in section 1(3) of this Act, it shall not be lawful for a person who is not [^{F108}a British citizen] to enter the United Kingdom from any of the Islands where his presence was unlawful under the immigration laws of that island, unless he is given leave to enter.

Textual Amendments

F108 Words substituted by British Nationality Act 1981 (c. 61), s. 52(7), Sch. 4 para. 2 (with Sch. 8 para. 8)

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Textual Amendments

F109 Sch. 5 repealed (14.2.2000) by 1999 c. 33, s. 169(3), **Sch. 16** (with s. 169(2), Sch. 15 para. 3(5)); S.I. 2000/168, art. 2, **Sch**

Modifications etc. (not altering text)

C64 Ss. 18-21, 22(1)-(4)(6)(7), 23 and Sch. 5 amended (26.7.1993) by 1993 c. 23, s. 8(6), **Sch. 2 para. 4(2) (a)-(f)**; S.I. 1993/1655, **art. 2**
 Sch. 5 amended (1.9.1996) by 1996 c. 49, s. 3(4)(f); S.I. 1996/2053, art. 2, **Sch. Pt. II**

X¹SCHEDULE 6

Section 34.

REPEALS

Editorial Information

X1 The text of Sch. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short title	Extent of repeal
4 & 5 Geo. 5. c. 12.	The Aliens Restriction Act 1914.	The whole Act.
9 & 10 Geo. 5. c. 92.	The Aliens Restriction (Amendment) Act 1919.	Section 1, Section 2(1), Section 13(3), Section 14(1).
11 & 12 Geo. 6. c. 56.	The British Nationality Act 1948.	Section 6(2), the words from "and, if" to "Act", Section 8(1) from "and as if" onwards.
6 & 7 Eliz. 2. c. 10.	The British Nationality Act 1958.	Section 3(2), In section 5(3) the words from "including" to "this Act".
10 & 11 Eliz. 2. c. 21.	The Commonwealth Immigrants Act 1962.	The whole Act, except section 12(2) and (4) and section 20(1) and (3). In section 12(2) the words from the beginning to "six, and".
1964 c. 81.	The Diplomatic Privileges Act 1964.	Section 5(1).
1965 c. 34.	The British Nationality Act 1965.	Section 2(3).
1967 c. 4.	The West Indies Act 1967.	In Schedule 3, paragraph 3.
1967 c. 80.	The Criminal Justice Act 1967.	Section 58.
1968 c. 9.	The Commonwealth Immigrants Act 1968.	The whole Act.
1968 c. 19.	The Criminal Appeal Act 1968.	In section 51(1), the definition of "recommendation for deportation".
1968 c. 59.	The Hovercraft Act 1968.	In paragraph 1 of the Schedule, sub-paragraph (f) and the words from "and 1962" to "1968".
1969 c. 21	The Immigration Appeals Act 1969.	The whole Act.
1970 c. 58.	The Expiring Laws Continuance Act 1970.	The whole Act.

Status:

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