



# Immigration Act 1971

## 1971 CHAPTER 77

### PART III

#### CRIMINAL PROCEEDINGS

#### [<sup>F1</sup>28B Search and arrest by warrant.

- (1) Subsection (2) applies if a justice of the peace is, by written information on oath, satisfied that there are reasonable grounds for suspecting that a person (“the suspect”) who is liable to be arrested for a relevant offence is to be found on any premises.
- (2) The justice may grant a warrant authorising any immigration officer or constable to enter, if need be by force, the premises named in the warrant for the purpose of searching for and arresting the suspect.
- (3) Subsection (4) applies if in Scotland the sheriff or a justice of the peace is by evidence on oath satisfied as mentioned in subsection (1).
- (4) The sheriff or justice may grant a warrant authorising any immigration officer or constable to enter, if need be by force, the premises named in the warrant for the purpose of searching for and arresting the suspect.
- (5) “Relevant offence” means an offence under section [<sup>F2</sup>24(A1), (B1), (C1), (D1), (E1) or (1)(b)], (c), (d), [<sup>F3</sup>(f) or (h)] [<sup>F4</sup>, 24A] [<sup>F5</sup>24B, ] [<sup>F6</sup>, 26A or 26B.]

#### Textual Amendments

- F1** S. 28B inserted (14.2.2000) by 1999 c. 33, s. 129; S.I. 2000/168, art. 2, Sch. (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)
- F2** Words in s. 28B(5) substituted (28.6.2022 save in so far as it relates to the insertion of s. 24(E1), otherwise prosp.) by Nationality and Borders Act 2022 (c. 36), ss. 40(5), 87(1); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 20 (with Sch. 2 para. 7)
- F3** Words in s. 28B(5) substituted (15.1.2018) by Immigration Act 2016 (c. 19), s. 94(1), Sch. 10 para. 18; S.I. 2017/1241, reg. 2(c) (with Sch.) (as amended by S.I. 2018/31, reg. 2)

*Status: Point in time view as at 20/07/2023.*

*Changes to legislation: Immigration Act 1971, Section 28B is up to date with all changes known to be in force on or before 03 August 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)*

- F4** Words in s. 28B(5) substituted (10.2.2003) by 2002 c. 41, s. 144(4) (with s. 159); S.I. 2003/1, **art. 2**, Sch.
- F5** Word in s. 28B(5) inserted (12.7.2016) by Immigration Act 2016 (c. 19), **ss. 34(5)**, 94(1); S.I. 2016/603, **reg. 3(e)** (with transitional provision in S.I. 2016/712, art. 2)
- F6** Words in s. 28B(5) inserted (10.2.2003) by 2002 c. 41, s. 150(2) (with s. 159); S.I. 2003/1, **art. 2**, Sch.

**Modifications etc. (not altering text)**

- C1** Pt. 3 modified by Immigration Act 2014 (c. 22), s. 33C(6) (as inserted (1.11.2016 for specified purposes, 1.12.2016 in so far as not already in force) by Immigration Act 2016 (c. 19), **ss. 39(2)**, 94(1); S.I. 2016/1037, **regs. 2(a)**, 5(c))
- C2** S. 28B modified (1.5.2004) by The Accession (Immigration and Worker Registration) Regulations 2004 (S.I. 2004/1219), **reg. 9(11)(a)**
- C3** S. 28B modified (22.9.2004) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), **ss. 2(11)(a)**, 48(1)
- C4** S. 28B modified (1.1.2007) by The Accession (Immigration and Worker Authorisation) Regulations 2006 (S.I. 2006/3317), **reg. 15(a)**
- C5** S. 28B modified (29.2.2008) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 21(3)(a)**, 62; S.I. 2008/310, **art. 2(1)** (subject to art. 5)
- C6** S. 28B modified by Immigration and Asylum Act 1999 (c. 33), s. 109B(1)(a) (as inserted (31.1.2008) by UK Borders Act 2007 (c. 30), **ss. 18**, 59; S.I. 2008/99, **art. 2**)  
S. 28B modified (31.1.2008) by UK Borders Act 2007 (c. 30), **ss. 23(2)(a)**, 59; S.I. 2008/99, **art. 2**
- C7** S. 28B modified (1.7.2013) by The Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (S.I. 2013/1460), **regs. 1(1)**, **15(3)(a)**, 18(a) (with reg. 11(8))
- C8** S. 28B modified (1.7.2013) by The Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (S.I. 2013/1460), **regs. 1(1)**, **18(a)** (with reg. 11(8))
- C9** S. 28B modified by Immigration Act 2014 (c. 22), s. 33C(6) (as inserted (1.11.2016 for specified purposes, 1.12.2016 in so far as not already in force) by Immigration Act 2016 (c. 19), **ss. 39(2)**, 94(1); S.I. 2016/1037, **regs. 2(a)**, 5(c))
- C10** Ss. 24-29: amendment to earlier affecting S.I. 1993/1797, Sch. 1 Pt. 1 (11.10.2017 coming into force in accordance with art. 1) by The Immigration (Jersey) (Amendment) Order 2017 (S.I. 2017/981), **Sch. Pt. 1 para. 1** (with art. 6)

**Status:**

Point in time view as at 20/07/2023.

**Changes to legislation:**

Immigration Act 1971, Section 28B is up to date with all changes known to be in force on or before 03 August 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.