



Immigration Act 1971

1971 CHAPTER 77

PART III

CRIMINAL PROCEEDINGS

^{F1}**[28CA Business premises: entry to arrest**

- (1) A constable or immigration officer may enter and search any business premises for the purpose of arresting a person—
 - (a) for an offence under section 24,
 - (b) for an offence under section 24A, or
 - [for an offence under section 24B,]
 - ^{F2}(ba)
 - (c) under paragraph 17 of Schedule 2.
- (2) The power under subsection (1) may be exercised only—
 - (a) to the extent that it is reasonably required for a purpose specified in subsection (1),
 - (b) if the constable or immigration officer has reasonable grounds for believing that the person whom he is seeking is on the premises,
 - (c) with the authority of the Secretary of State (in the case of an immigration officer) or a Chief Superintendent (in the case of a constable), and
 - (d) if the constable or immigration officer produces identification showing his status.
- (3) Authority for the purposes of subsection (2)(c)—
 - (a) may be given on behalf of the Secretary of State only by a civil servant of the rank of at least Assistant Director, and
 - (b) shall expire at the end of the period of seven days beginning with the day on which it is given.
- (4) Subsection (2)(d) applies—

Status: Point in time view as at 12/07/2016. This version of this provision has been superseded.

Changes to legislation: Immigration Act 1971, Section 28CA is up to date with all changes known to be in force on or before 11 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) whether or not a constable or immigration officer is asked to produce identification, but
 - (b) only where premises are occupied.
- (5) Subsection (6) applies where a constable or immigration officer—
- (a) enters premises in reliance on this section, and
 - (b) detains a person on the premises.
- (6) A detainee custody officer may enter the premises for the purpose of carrying out a search.
- (7) In subsection (6)—
- “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

- F1** S. 28CA inserted (8.1.2003) by [2002 c. 41, s. 153\(1\)](#) (with [s. 159](#)); S.I. 2002/2811, art. 2, Sch.
- F2** S. 28CA(1)(ba) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\), ss. 34\(6\), 94\(1\)](#); S.I. 2016/603, [reg. 3\(e\)](#) (with transitional provision in [S.I. 2016/712](#), art. 2)

Modifications etc. (not altering text)

- C1** Ss. 24-29 amendment to earlier affecting S.I. 1993/1797, Sch. 1 Pt. 1 (17.10.2012 coming into force in accordance with art. 1) by [The Immigration and Asylum \(Jersey\) Order 2012 \(S.I. 2012/2593\)](#), arts. 1, 2(2)
- C2** S. 28CA modified (1.7.2013) by [The Accession of Croatia \(Immigration and Worker Authorisation\) Regulations 2013 \(S.I. 2013/1460\)](#), regs. 1(1), [18\(e\)](#) (with [reg. 11\(8\)](#))
- C3** Ss. 28A, 28CA, 28FA modified (1.1.2007) by [The Accession \(Immigration and Worker Authorisation\) Regulations 2006 \(S.I. 2006/3317\)](#), [reg. 15\(c\)](#)

Status:

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