



Immigration Act 1971

1971 CHAPTER 77

PART III

CRIMINAL PROCEEDINGS

[^{F1}28G Searching arrested persons.

- (1) This section applies if a person is arrested for an offence under this Part at a place other than a police station.
- (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) anything which might be evidence relating to the offence for which he has been arrested.
- (4) The power conferred by subsection (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 subsection; 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 section 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 subsection (2) may seize and retain anything he finds, if he has reasonable grounds for believing that that person might use it to cause physical injury to himself or to another person.
- (7) An officer searching a person under subsection (3) may seize and retain anything he finds, if he has reasonable grounds for believing—

Status: Point in time view as at 11/10/2017.

Changes to legislation: Immigration Act 1971, Section 28G is up to date with all changes known to be in force on or before 27 July 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) that that person might use it to assist his escape from lawful custody; or
- (b) that it is evidence which relates to the offence in question.

(8) Subsection (7)(b) does not apply to an item subject to legal privilege.]

Textual Amendments

- F1** S. 28G inserted (14.2.2000) by 1999 c. 33, s. 134(1); 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)

- C1** Pt. III 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. 28G modified (1.5.2004) by The Accession (Immigration and Worker Registration) Regulations 2004 (S.I. 2004/1219), reg. 9(1)(b)
- C3** S. 28G modified (22.9.2004) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), ss. 2(1)(b), 48(1)
- C4** S. 28G applied (1.12.2004) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), s. 14(3)(c); S.I. 2004/2999, art. 2, Sch.
- C5** S. 28G modified (1.1.2007) by The Accession (Immigration and Worker Authorisation) Regulations 2006 (S.I. 2006/3317), reg. 15(b)
- C6** S. 28G modified (29.2.2008) by Immigration, Asylum and Nationality Act 2006 (c. 13), ss. 21(3)(b), 62; S.I. 2008/310, art. 2(1) (subject to art. 5)
- C7** S. 28G modified by Immigration and Asylum Act 1999 (c. 33), s. 109B(1)(b) (as inserted (31.1.2008) by UK Borders Act 2007 (c. 30), ss. 18, 59; S.I. 2008/99, art. 2)
S. 28G modified (31.1.2008) by UK Borders Act 2007 (c. 30), ss. 23(2)(b), 59; S.I. 2008/99, art. 2
- C8** S. 28G modified (1.7.2013) by The Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (S.I. 2013/1460), regs. 1(1), 18(b) (with reg. 11(8))
- C9** S. 28G modified (1.7.2013) by The Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (S.I. 2013/1460), regs. 1(1), 15(3)(b), 18(b) (with reg. 11(8))
- 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)
- C11** S. 28G(7): powers of seizure extended (1.4.2003) by 2001 c. 16, ss. 51-54, 68, Sch. 1 Pt. 2 para. 78; S.I. 2003/708, art. 2

Status:

Point in time view as at 11/10/2017.

Changes to legislation:

Immigration Act 1971, Section 28G is up to date with all changes known to be in force on or before 27 July 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.