



Immigration Act 1971

1971 CHAPTER 77

PART III

CRIMINAL PROCEEDINGS

[^{F1}28I Seized material: access and copying.

- (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 him to have access to the material under the supervision—
 - (a) in the case of seized material within subsection (8)(a), of an immigration officer;
 - (b) in the case of seized material within subsection (8)(b), of a constable.
- (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 for the purpose of photographing or copying it under the supervision—
 - (i) in the case of seized material within subsection (8)(a), of an immigration officer;
 - (ii) in the case of seized material within subsection (8)(b), of a constable;or
 - (b) the material to be photographed or copied.

Status: Point in time view as at 11/10/2017.

Changes to legislation: Immigration Act 1971, Section 28I is up to date with all changes known to be in force on or before 14 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)

- (5) A photograph or copy made under subsection (4)(b) must be supplied within a reasonable time.
- (6) There is no duty under this section 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—
- (a) seized and retained by an immigration officer, or
 - (b) seized by an immigration officer and retained by the police,
under this Part.]

Textual Amendments

- F1** S. 28I inserted (14.2.2000) by 1999 c. 33, s. 136(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. 28I applied (1.12.2004) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), s. 14(3)(d); S.I. 2004/2999, art. 2, Sch.
- C3** S. 28I applied by Immigration and Asylum Act 1999 (c. 33), s. 109B(2)(a) (as inserted (31.1.2008) by UK Borders Act 2007 (c. 30), ss. 18, 59; S.I. 2008/99, art. 2)
 S. 28I applied (31.1.2008) by UK Borders Act 2007 (c. 30), ss. 23(3)(a), 59; S.I. 2008/99, art. 2
 S. 28I applied (31.3.2008) by UK Borders Act 2007 (c. 30), ss. 46(4), 59; S.I. 2008/309, art. 3
- C4** S. 28I applied by UK Borders Act 2007 (c. 30), s. 46B(2) (as inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), ss. 160, 183(1)(5)(e))
- C5** S. 28I applied (12.7.2016) by Immigration Act 2016 (c. 19), ss. 48(9), 94(1) (with s. 48(10)); S.I. 2016/603, reg. 3(g)
- C6** S. 28I applied (12.7.2016) by Immigration Act 2016 (c. 19), ss. 47(11), 94(1); S.I. 2016/603, reg. 3(g)
- C7** 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 11/10/2017.

Changes to legislation:

Immigration Act 1971, Section 28I is up to date with all changes known to be in force on or before 14 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.