



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART VII

POWER TO ARREST, SEARCH AND FINGERPRINT

Power to arrest

128 Arrest without warrant.

In the 1971 Act, after section 28, insert—

“28A Arrest without warrant.

- (1) A constable or immigration officer may arrest without warrant a person—
 - (a) who has committed or attempted to commit an offence under section 24 or 24A; or
 - (b) whom he has reasonable grounds for suspecting has committed or attempted to commit such an offence.
- (2) But subsection (1) does not apply in relation to an offence under section 24(1)(d).
- (3) An immigration officer may arrest without warrant a person—
 - (a) who has committed an offence under section 25(1); or
 - (b) whom he has reasonable grounds for suspecting has committed that offence.
- (4) An immigration officer may arrest without warrant a person—
 - (a) who has committed or attempted to commit an offence under section 25(2); or
 - (b) whom he has reasonable grounds for suspecting has committed or attempted to commit that offence.

Status: Point in time view as at 28/07/2014.

Changes to legislation: Immigration and Asylum Act 1999, Cross Heading: Power to arrest is up to date with all changes known to be in force on or before 18 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)

- (5) An immigration officer may arrest without warrant a person (“the suspect”) who, or whom he has reasonable grounds for suspecting—
 - (a) has committed or attempted to commit an offence under section 26(1)(g); or
 - (b) is committing or attempting to commit that offence.
- (6) The power conferred by subsection (5) is exercisable only if either the first or the second condition is satisfied.
- (7) The first condition is that it appears to the officer that service of a summons (or, in Scotland, a copy complaint) is impracticable or inappropriate because—
 - (a) he does not know, and cannot readily discover, the suspect’s name;
 - (b) he has reasonable grounds for doubting whether a name given by the suspect as his name is his real name;
 - (c) the suspect has failed to give him a satisfactory address for service; or
 - (d) he has reasonable grounds for doubting whether an address given by the suspect is a satisfactory address for service.
- (8) The second condition is that the officer has reasonable grounds for believing that arrest is necessary to prevent the suspect—
 - (a) causing physical injury to himself or another person;
 - (b) suffering physical injury; or
 - (c) causing loss of or damage to property.
- (9) For the purposes of subsection (7), an address is a satisfactory address for service if it appears to the officer—
 - (a) that the suspect will be at that address for a sufficiently long period for it to be possible to serve him with a summons (or copy complaint); or
 - (b) that some other person specified by the suspect will accept service of a summons (or copy complaint) for the suspect at that address.
- (10) In relation to the exercise of the powers conferred by subsections (3)(b), (4)(b) and (5), it is immaterial that no offence has been committed.
- (11) In Scotland the powers conferred by subsections (3), (4) and (5) may also be exercised by a constable.”

Status:

Point in time view as at 28/07/2014.

Changes to legislation:

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