



# Police and Justice Act 2006

## 2006 CHAPTER 48

### PART 5

#### MISCELLANEOUS

##### *Independent Police Complaints Commission*

#### **41 Immigration and asylum enforcement functions [<sup>F1</sup>and customs functions]: complaints and misconduct**

- (1) The Secretary of State may make regulations conferring functions on the Independent Police Complaints Commission in relation to—
- (a) the exercise by immigration officers of specified enforcement functions;
  - (b) the exercise by officials of the Secretary of State of specified enforcement functions relating to immigration or asylum;
  - [<sup>F2</sup>(c) the provision of services pursuant to arrangements relating to the discharge of a function within paragraph (a) or (b).]
- (2) In subsection (1) the reference to enforcement functions includes, in particular, reference to—
- (a) powers of entry,
  - (b) powers to search persons or property,
  - (c) powers to seize or detain property,
  - (d) powers to arrest persons,
  - (e) powers to detain persons,
  - (f) powers to examine persons or otherwise to obtain information (including powers to take fingerprints or to acquire other personal data), and
  - (g) powers in connection with the removal of persons from the United Kingdom.

[<sup>F3</sup>(2A) The Secretary of State may make regulations conferring functions on the Independent Police Complaints Commission in relation to—

*Status: Point in time view as at 21/07/2009. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Police and Justice Act 2006, Section 41. (See end of Document for details)*

- (a) the exercise by designated customs officials, and officials of the Secretary of State, of customs functions within the meaning of Part 1 of the Borders, Citizenship and Immigration Act 2009;
  - (b) the exercise by the Director of Border Revenue, and any person exercising functions of the Director, of customs revenue functions within the meaning of that Part of that Act;
  - (c) the provision of services pursuant to arrangements relating to the discharge of a function within paragraph (a) or (b).]
- (3) Regulations under subsection (1) may not confer functions on the Independent Police Complaints Commission in relation to the exercise by any person of a function conferred on him by or under Part 8 of the Immigration and Asylum Act 1999 (c. 33).
- (4) Regulations under subsection (1) [<sup>F4</sup>or (2A)]—
- (a) may apply (with or without modification) or make provision similar to any provision of or made under Part 2 of the Police Reform Act 2002 (c. 30) (complaints);
  - (b) may make provision for payment by the Secretary of State to or in respect of the Independent Police Complaints Commission.
- (5) The Independent Police Complaints Commission and the Parliamentary Commissioner for Administration may disclose information to each other for the purposes of the exercise of a function—
- (a) by virtue of this section, or
  - (b) under the Parliamentary Commissioner Act 1967 (c. 13).
- (6) The Independent Police Complaints Commission and the Parliamentary Commissioner for Administration may jointly investigate a matter in relation to which—
- (a) the Independent Police Complaints Commission has functions by virtue of this section, and
  - (b) the Parliamentary Commissioner for Administration has functions by virtue of the Parliamentary Commissioner Act 1967 (c. 13).
- (7) Regulations under subsection (1) [<sup>F5</sup>or (2A)] shall relate only to the exercise of functions in or in relation to England and Wales.
- (8) In this section “immigration officer” means a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971 (c. 77).

#### Textual Amendments

- F1** Words in s. 41 inserted (21.7.2009) by [Borders, Citizenship and Immigration Act 2009 \(c. 11\)](#), **ss. 30(3), 58(1)** (with s. 36(4))
- F2** S. 41(1)(c) inserted (21.7.2009) by [Borders, Citizenship and Immigration Act 2009 \(c. 11\)](#), **ss. 30(1)(a), 58(1)** (with s. 36(4))
- F3** S. 41(2A) inserted (21.7.2009) by [Borders, Citizenship and Immigration Act 2009 \(c. 11\)](#), **ss. 30(1)(b), 58(1)** (with s. 36(4))
- F4** Words in s. 41(4) inserted (21.7.2009) by [Borders, Citizenship and Immigration Act 2009 \(c. 11\)](#), **ss. 30(2), 58(1)** (with s. 36(4))
- F5** Words in s. 41(7) inserted (21.7.2009) by [Borders, Citizenship and Immigration Act 2009 \(c. 11\)](#), **ss. 30(2), 58(1)** (with s. 36(4))

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**Commencement Information**

- I1** S. 41 in force at 29.6.2007 for E.W. by [S.I. 2007/1614](#), **art. 2(f)**
- I2** S. 41 in force at 10.10.2007 for S.N.I. by [S.I. 2007/2754](#), **art. 2**

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Police and Justice Act 2006, Section 41.