



Borders, Citizenship and Immigration Act 2009

2009 CHAPTER 11

PART 1

BORDER FUNCTIONS

Inspection and oversight

29 Inspections by Her Majesty's Inspectors of Constabulary etc.

- (1) The Secretary of State may make regulations conferring functions on Her Majesty's Inspectors of Constabulary, the Scottish inspectors or the Northern Ireland inspectors in relation to—
 - (a) designated customs officials, and officials of the Secretary of State exercising customs functions;
 - (b) immigration officers, and officials of the Secretary of State exercising functions relating to immigration, asylum or nationality;
 - (c) the Secretary of State in so far as the Secretary of State has general customs functions;
 - (d) the Secretary of State in so far as the Secretary of State has functions relating to immigration, asylum or nationality;
 - (e) the Director of Border Revenue and any person exercising functions of the Director;
 - (f) persons providing services pursuant to arrangements relating to the discharge of a function of a person mentioned in paragraphs (a) to (e).
- (2) Regulations under subsection (1) may—
 - (a) in relation to Her Majesty's Inspectors of Constabulary, apply (with or without modification) or make provision similar to any provision of sections 54 to 56 of the Police Act 1996 (c. 16) (inspection);

Status: This is the original version (as it was originally enacted).

- (b) in relation to the Scottish inspectors, apply (with or without modification) or make provision similar to any provision of section 33 or 34 of the Police (Scotland) Act 1967 (c. 77) (inspection);
 - (c) in relation to the Northern Ireland inspectors, apply (without or without modification) or make provision similar to any provision of section 41 or 42 of the Police (Northern Ireland) Act 1998 (c. 32) (inspection).
- (3) Regulations under subsection (1)—
 - (a) may enable a Minister of the Crown to require an inspection to be carried out;
 - (b) must provide for a report of an inspection to be made and, subject to any exceptions required or permitted by the regulations, published;
 - (c) must provide for an annual report by Her Majesty’s Inspectors of Constabulary;
 - (d) may make provision for payment to or in respect of Her Majesty’s Inspectors of Constabulary, the Scottish inspectors or the Northern Ireland inspectors.
- (4) An inspection carried out by virtue of this section may not address a matter of a kind which the Comptroller and Auditor General may examine under section 6 of the National Audit Act 1983 (c. 44).
- (5) An inspection carried out by virtue of this section must be carried out jointly by Her Majesty’s Inspectors of Constabulary and the Scottish inspectors—
 - (a) if it is carried out wholly in Scotland, or
 - (b) in a case where it is carried out partly in Scotland, to the extent that it is carried out there.
- (6) In this section—
 - (a) “the Scottish inspectors” means the inspectors of constabulary appointed under section 33(1) of the Police (Scotland) Act 1967;
 - (b) “the Northern Ireland inspectors” means the inspectors of constabulary appointed under section 41(1) of the Police (Northern Ireland) Act 1998.