

Status: Point in time view as at 01/12/2014.

Changes to legislation: Immigration Act 2014, Cross Heading: Entry and search of premises is up to date with all changes known to be in force on or before 09 August 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)

SCHEDULES

SCHEDULE 1

ENFORCEMENT POWERS

Entry and search of premises

- 3 (1) Paragraph 25A of Schedule 2 to the Immigration Act 1971 (power to enter premises and search for documents following arrest) is amended as follows.
- (2) In sub-paragraph (1)(b) for “by a constable (other than under this Schedule)” substitute “other than under this Schedule”.
- (3) After sub-paragraph (6) insert—
- “**(6A)** If, on an application made by an immigration officer, a justice of the peace is satisfied that—
- (a) there are reasonable grounds for believing that relevant documents may be found on premises not within sub-paragraph (2) which are specified in the application, and
- (b) any of the conditions in sub-paragraph (6B) is met,
- the justice of the peace may issue a warrant authorising an immigration officer to enter and search the premises.
- (6B)** The conditions are that—
- (a) it is not practicable to communicate with any person entitled to grant entry to the premises;
- (b) it is practicable to communicate with a person entitled to grant entry to the premises but it is not practicable to communicate with any person entitled to grant access to the relevant documents;
- (c) entry to the premises will not be granted unless a warrant is produced;
- (d) the purpose of a search may be frustrated or seriously prejudiced unless an immigration officer arriving at the premises can secure immediate entry.
- (6C)** In the application of sub-paragraph (6A) to Scotland, references to a justice of the peace are to be treated as references to the sheriff or a justice of the peace.”
- (4) In sub-paragraph (7)—
- (a) for “sub-paragraph (2)” substitute “this paragraph”;
- (b) in paragraph (a) omit “and retain”;
- (c) omit paragraph (b) and the “but” before it.
- (5) After sub-paragraph (8) insert—

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- “(8A) An immigration officer may retain a document seized under subparagraph (7) while the officer has reasonable grounds for believing that—
- (a) the arrested person may be liable to removal from the United Kingdom in accordance with a provision of the Immigration Acts, and
 - (b) retention of the document may facilitate the person's removal.”

Commencement Information

I1 Sch. 1 para. 3 in force at 28.7.2014 by S.I. 2014/1820, art. 3(y)

- 4 In sections 28J(11) and 28K(14) of the Immigration Act 1971 (warrants - safeguards and execution) after “paragraph 17(2)” insert “ or 25A(6A) ”.

Commencement Information

I2 Sch. 1 para. 4 in force at 28.7.2014 by S.I. 2014/1820, art. 3(y)

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