

SCHEDULE 8A

Article 10

Provisions of the UK Borders Act 2007 as extended to Jersey

---

*Provision as extended to Jersey*

---

*Detention at ports*

**Designated immigration officers.**

1.—(1) The Minister may designate immigration officers for the purposes of section 2.

(2) The Minister may designate only officers who the Minister thinks are—

(a) fit and proper for the purpose, and

(b) suitably trained.

(3) A designation—

(a) may be permanent or for a specified period, and

(b) may (in either case) be revoked.

**Detention.**

2.—(1) A designated immigration officer at a port in Jersey may detain an individual if the immigration officer thinks that the individual—

(a) may be liable to arrest by a police officer under Article 3(1) of the Honorary Police (Jersey) Law 1974 or Article 16(2) of the States of Jersey Police Force Law 2012, or

(b) is subject to a warrant for arrest.

(2) A designated immigration officer who detains an individual—

(a) must arrange for a police officer to attend as soon as is reasonably practicable,

(b) may search the individual for, and retain, anything that might be used to assist escape or to cause physical injury to the individual or another person,

(c) must retain anything found on a search which the immigration officer thinks may be evidence of the commission of an offence, and

(d) must, when the police officer arrives, deliver to the police officer the individual and anything retained on a search.

(3) An individual may not be detained under this section for longer than three hours.

(4) A designated immigration officer may use reasonable force for the purpose of exercising a power under this section.

(5) Where an individual whom a designated immigration officer has detained or attempted to detain under this section leaves the port, a designated immigration officer may—

(a) pursue the individual, and

*Status: This is the original version (as it was originally made).*

---

*Provision as extended to Jersey*

---

(b) return the individual to the port.

**Enforcement.**

3.—(1) An offence is committed by a person who—

- (a) absconds from detention under section 2,
- (b) assaults an immigration officer exercising a power under section 2, or
- (c) obstructs an immigration officer in the exercise of a power under section 2.

(2) A person guilty of an offence under subsection (1) shall be liable to—

- (a) imprisonment for a term not exceeding 12 months,
- (b) a fine not exceeding level 3 on the standard scale, or
- (c) both.

**Interpretation: “port”.**

4.—(1) In section 2 “port” includes an airport.

(2) A place shall be treated for the purposes of that section as a port in relation to an individual if a designated immigration officer believes that the individual—

- (a) has gone there for the purpose of embarking on a ship or aircraft, or
- (b) has arrived there on disembarking from a ship or aircraft.

*Biometric registration*

**Registration Regulations.**

5.—(1) The States may make Regulations—

- (a) requiring a person subject to immigration control to apply for the issue of a document recording biometric information (a “biometric immigration document”);
- (b) requiring a biometric immigration document to be used—
  - (i) for specified immigration purposes,
  - (ii) in connection with specified immigration procedures, or
  - (iii) in specified circumstances, where a question arises about a person’s status in relation to nationality or immigration;
- (c) requiring a person who produces a biometric immigration document by virtue of paragraph (b) to provide information for comparison with information provided in connection with the application for the document.

(2) Regulations under subsection (1)(a) may, in particular—

---

*Provision as extended to Jersey*

---

- (a) apply generally or only to a specified class of persons subject to immigration control (for example, persons making or seeking to make a specified kind of application for immigration purposes);
  - (b) specify the period within which an application for a biometric immigration document must be made;
  - (c) make provision about the issue of biometric immigration documents;
  - (d) make provision about the content of biometric immigration documents (which may include non-biometric information);
  - (e) make provision permitting a biometric immigration document to be combined with another document;
  - (f) make provision for biometric immigration documents to begin to have effect, and cease to have effect, in accordance with the Regulations;
  - (g) require a person who acquires a biometric immigration document, without the consent of the person to whom it relates or of the Minister, to surrender it to the Minister as soon as is reasonably practicable;
  - (h) permit the Minister to require the surrender of a biometric immigration document in other specified circumstances;
  - (i) permit the Minister on issuing a biometric immigration document to require the surrender of other documents connected with immigration or nationality.
- (3) Regulations under subsection (1)(a) may permit the Minister to cancel a biometric immigration document—
- (a) if the Minister thinks that information provided in connection with the document was or has become false, misleading or incomplete,
  - (b) if the Minister thinks that the document has been lost or stolen,
  - (c) if the Minister thinks that the document (including any information recorded in it) has been altered, damaged or destroyed (whether deliberately or not),
  - (d) if the Minister thinks that an attempt has been made (whether successfully or not) to copy the document or to do anything to enable it to be copied,
  - (e) if the Minister thinks that a person has failed to surrender the document in accordance with subsection (2)(g) or (h),
  - (f) if the Minister thinks that the document should be re-issued (whether because the information recorded in it requires alteration or for any other reason),
  - (g) if the Minister thinks that the holder is to be given leave to enter or remain in Jersey,
  - (h) if the Minister thinks that the holder's leave to enter or remain in Jersey is to be varied, cancelled or invalidated or to lapse,

---

*Provision as extended to Jersey*

---

- (i) if the Minister thinks that the holder has died,
  - (j) if the Minister thinks that the holder has been removed from Jersey (whether by deportation or otherwise),
  - (k) if the Minister thinks that the holder has left Jersey without retaining leave to enter or remain, and
  - (l) in such other circumstances as the Regulations may specify.
- (4) Regulations under subsection (1)(a) may require notification to be given to the Minister by the holder of a biometric immigration document—
- (a) who knows or suspects that the document has been lost or stolen,
  - (b) who knows or suspects that the document has been altered or damaged (whether deliberately or not),
  - (c) who knows or suspects that information provided in connection with the document was or has become false, misleading or incomplete,
  - (d) who was given leave to enter or remain in Jersey in accordance with a provision of rules under section 3 of the Immigration Act 1971 (immigration rules) and knows or suspects that owing to a change of the holder’s circumstances the holder would no longer qualify for leave under that provision, or
  - (e) in such other circumstances as the Regulations may specify.
- (5) Regulations under subsection (1)(a) may require a person applying for the issue of a biometric immigration document to provide information (which may include biographical or other non-biometric information) to be recorded in it or retained by the Minister; and, in particular, the Regulations may—
- (a) require, or permit an authorised person to require, the provision of information in a specified form;
  - (b) require an individual to submit, or permit an authorised person to require an individual to submit, to a specified process by means of which biometric information is obtained or recorded;
  - (c) confer a function (which may include the exercise of a discretion) on an authorised person;
  - (d) permit the Minister, instead of requiring the provision of information, to use or retain information which is (for whatever reason) already in the Minister’s possession.
- (6) Regulations under subsection (1)(b) may, in particular, require the production or other use of a biometric immigration document that is combined with another document.
- (7) Regulations under subsection (1)(b) may not make provision the effect of which would be to require a person to carry a biometric immigration document at all times.
- (8) Regulations under subsection (1)(c) may, in particular, make provision of a kind specified in subsection (5)(a) or (b).

---

*Provision as extended to Jersey*

---

(9) Rules under section 3 of the Immigration Act 1971 may require a person applying for the issue of a biometric immigration document to provide non-biometric information to be recorded in it or retained by the Minister.

(10) Subsections (5) to (9) are without prejudice to the generality of section 50 of the Immigration, Asylum and Nationality Act 2006 (procedure).

**Regulations: supplemental.**

6.—(1) This section applies to Regulations under section 5(1).

(2) Regulations amending or replacing earlier Regulations may require a person who holds a biometric immigration document issued under the earlier Regulations to apply under the new Regulations.

(3) In so far as Regulations require an individual under the age of 16 to submit to a process for the recording of biometric information, or permit an authorised person to require an individual under the age of 16 to submit to a process of that kind, the Regulations must make provision similar to section 141(3) to (5) and (13) of the Immigration and Asylum Act 1999 (fingerprints: children).

(4) Rules under section 3 of the Immigration Act 1971 (immigration rules) may make provision by reference to compliance or non-compliance with Regulations.

(5) Information in the Minister's possession which is used or retained in accordance with Regulations under section 5(5)(d) shall be treated, for the purpose of requirements about treatment and destruction, as having been provided in accordance with the Regulations at the time at which it is used or retained in accordance with them.

(6) Regulations—

(a) may make provision having effect generally or only in specified cases or circumstances,

(b) may make different provision for different cases or circumstances, and

(c) may include incidental, consequential or transitional provision.

**Effect of non-compliance.**

7.—(1) Regulations under section 5(1) must include provision about the effect of failure to comply with a requirement of the Regulations.

(2) In particular, the Regulations may—

(a) require or permit an application for a biometric immigration document to be refused;

(b) require or permit an application or claim in connection with immigration to be disregarded or refused;

(c) require or permit the cancellation or variation of leave to enter or remain in Jersey;

(d) require the Minister to consider giving a notice under section 9;

(e) provide for the consequence of a failure to be at the discretion of the Minister.

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

---

*Provision as extended to Jersey*

---

(2A) If the Regulations require a biometric immigration document to be used in connection with an application or claim, they may require or permit the application or claim to be disregarded or refused if that requirement is not complied with.

(3) The Regulations may also permit the Minister to designate an adult as the person responsible for ensuring that a child complies with requirements of the Regulations; and for that purpose—

(a) “adult” means an individual who has attained the age of 18,

(b) “child” means an individual who has not attained the age of 18, and

(c) sections 9 to 13 shall apply (with any necessary modifications) to a designated adult’s failure to ensure compliance by a child with a requirement of Regulations as they apply to a person’s own failure to comply with a requirement.

**Use and retention of biometric information.**

**8.—**(1) The States must by Regulations make provision about the use and retention by the Minister of biometric information provided in accordance with Regulations under section 5(1).

(2) The Regulations must provide that biometric information may be retained only if the Minister thinks that it is necessary to retain it for use in connection with—

(a) the exercise of a function by virtue of the Immigration Acts, or

(b) the exercise of a function in relation to nationality.

(3) The Regulations may include provision permitting biometric information retained by virtue of subsection (2) also to be used—

(a) in connection with the prevention, investigation or prosecution of an offence,

(b) for a purpose which appears to the Minister to be required in order to protect national security,

(c) in connection with identifying persons who have died, or are suffering from illness or injury,

(d) for the purpose of ascertaining whether a person has acted unlawfully, or has obtained or sought anything to which the person is not legally entitled, and

(e) for such other purposes (whether in accordance with functions under an enactment or otherwise) as the Regulations may specify.

(4) The Regulations must include provision about the destruction of biometric information.

(5) In particular the Regulations must require the Minister to take all reasonable steps to ensure that biometric information is destroyed if the Minister—

(a) no longer thinks that it is necessary to retain the information for use as mentioned in subsection (2), or

---

*Provision as extended to Jersey*

---

(b) is satisfied that the person to whom the information relates is a British citizen, or a Commonwealth citizen who has a right of abode in Jersey as a result of section 2(1)(b) of the Immigration Act 1971.

(6) The Regulations must also—

(a) require that any requirement to destroy biometric information by virtue of the Regulations also applies to copies of the information, and

(b) require the Minister to take all reasonable steps to ensure—

(i) that data held in electronic form which relates to biometric information which has to be destroyed by virtue of the regulations is destroyed or erased, or

(ii) that access to such data is blocked.

(7) But a requirement to destroy biometric information or data is not to apply if and in so far as the information or data is retained in accordance with and for the purposes of another power.

(8) The Regulations must include provision—

(a) entitling a person whose biometric information has to be destroyed by virtue of the Regulations, on request, to a certificate issued by the Minister to the effect that the Minister has taken the steps required by virtue of subsection (6)(b), and

(b) requiring such a certificate to be issued within the period of 3 months beginning with the date on which the request for it is received by the Minister.

(9) Section 6(6) applies to Regulations under this section as it applies to Regulations under section 5(1).

**Penalty.**

**9.—**(1) The Minister may by notice require a person to pay a penalty for failing to comply with a requirement of Regulations under section 5(1).

(2) The notice must—

(a) specify the amount of the penalty,

(b) specify a date before which the penalty must be paid to the Minister,

(c) specify methods by which the penalty may be paid,

(d) explain the grounds on which the Minister thinks the person has failed to comply with a requirement of the Regulations, and

(e) explain the effect of sections 10 to 12.

(3) The amount specified under subsection (2)(a) may not exceed £1,000.

(4) The date specified under subsection (2)(b) must be not less than 14 days after the date on which the notice is given.

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

---

*Provision as extended to Jersey*

---

(5) A person who has been given a notice under subsection (1) for failing to comply with Regulations may be given further notices in the case of continued failure; but a person may not be given a new notice—

(a) during the time available for objection or appeal against an earlier notice, or

(b) while an objection or appeal against an earlier notice has been instituted and is neither withdrawn nor determined.

(6) The Minister may by Order amend subsection (3) to reflect a change in the value of money since 25 November 2008.

**Penalty: objection.**

**10.**—(1) A person (P) who is given a penalty notice under section 9(1) may by notice to the Minister object on the grounds—

(a) that P has not failed to comply with a requirement of Regulations under section 5(1),

(b) that it is unreasonable to require P to pay a penalty, or

(c) that the amount of the penalty is excessive.

(2) A notice of objection must—

(a) specify the grounds of objection and P's reasons,

(b) comply with any prescribed requirements as to form and content, and

(c) be given within the prescribed period.

(3) The Minister shall consider a notice of objection and—

(a) cancel the penalty notice,

(b) reduce the penalty by varying the penalty notice,

(c) increase the penalty by issuing a new penalty notice, or

(d) confirm the penalty notice.

(4) The Minister shall act under subsection (3) and notify P—

(a) in accordance with any prescribed requirements, and

(b) within the prescribed period or such longer period as the Minister and P may agree.

**Penalty: appeal.**

**11.**—(1) A person (P) who is given a penalty notice under section 9(1) may appeal to the Petty Debts Court.

(2) An appeal may be brought on the grounds—

(a) that P has not failed to comply with a requirement of Regulations under section 5(1),



---

*Provision as extended to Jersey*

---

(b) that it is unreasonable to require P to pay a penalty, or

(c) that the amount of the penalty is excessive.

(3) The Petty Debts Court may—

(a) cancel the penalty notice,

(b) reduce the penalty by varying the penalty notice,

(c) increase the penalty by varying the penalty notice (whether because the Court thinks the original amount insufficient or because the Court thinks that the appeal should not have been brought), or

(d) confirm the penalty notice.

(4) An appeal may be brought—

(a) whether or not P has given a notice of objection, and

(b) irrespective of the Minister's decision on any notice of objection.

(5) The Petty Debts Court may consider matters of which the Minister was not and could not have been aware before giving the penalty notice.

(6) Rules of court may make provision about the timing of an appeal under this section.

**Penalty: enforcement.**

**12.**—(1) Where a penalty has not been paid before the date specified in the penalty notice in accordance with section 9(2)(b), it may be recovered as a debt due to the Minister.

(2) Where a notice of objection is given in respect of a penalty notice, the Minister may not take steps to enforce the penalty notice before—

(a) deciding what to do in response to the notice of objection, and

(b) informing the objector.

(3) The Minister may not take steps to enforce a penalty notice while an appeal under section 11—

(a) could be brought (disregarding any possibility of an appeal out of time with permission), or

(b) has been brought and has not been determined or abandoned.

(4) In proceedings for the recovery of a penalty no question may be raised as to the matters specified in sections 10 and 11 as grounds for objection or appeal.

(5) Money received by the Minister in respect of a penalty shall form part of the annual income of the States.

**Penalty: code of practice.**

**13.**—(1) The Minister shall issue a code of practice setting out the matters to be considered in determining—

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

---

*Provision as extended to Jersey*

---

- (a) whether to give a penalty notice under section 9(1), and
  - (b) the amount of a penalty.
- (2) The code may, in particular, require the Minister to consider any decision taken by virtue of section 7.
- (3) The Petty Debts Court shall, when considering an appeal under section 11, have regard to the code.
- (4) The Minister may revise and re-issue the code.
- (5) Before issuing or re-issuing the code the Minister must—
- (a) publish proposals, and
  - (b) consult members of the public.
- (6) The code (or re-issued code) shall come into force at the prescribed time.

**Penalty: prescribed matters.**

**14.**—(1) In sections 10 to 13 “prescribed” means prescribed by the Minister by Order.

- (2) An Order under subsection (1) or under section 9(6)—
- (a) may make provision generally or only for specified purposes, and
  - (b) may make different provision for different purposes.

**Interpretation.**

**15.**—(1) For the purposes of section 5—

- (a) “person subject to immigration control” means a person who under the Immigration Act 1971 requires leave to enter or remain in Jersey (whether or not such leave has been given),
- (b) “the Minister” means the Minister for Home Affairs,
- (d) “document” includes a card or sticker and any other method of recording information (whether in writing or by the use of electronic or other technology or by a combination of methods),
- (e) “authorised person” has the meaning given by section 141(5) of the Immigration and Asylum Act 1999 (authority to take fingerprints),
- (f) “immigration” includes asylum, and
- (g) Regulations or an Order permitting something to be done by the Minister may (but need not) permit it to be done only where the Minister is of a specified opinion.

(1A) For the purposes of section 5 “biometric information” means—

- (a) information about a person’s external physical characteristics (including in particular fingerprints and features of the iris), and

---

*Provision as extended to Jersey*

---

(b) any other information about a person's physical characteristics specified in an Regulations made by the States.

(1B) Regulations under subsection (1A)(b)—

(a) may specify only information that can be obtained or recorded by an external examination of a person;

(b) must not specify information about a person's DNA.

(1C) Section 6(6) applies to Regulations under subsection (1A)(b) as it applies to Regulations under section 5(1).

(2) An application for a biometric immigration document is an application in connection with immigration for the purposes of—

(a) section 50(1) and (2) of the Immigration, Asylum and Nationality Act 2006 (procedure), and

(b) sections 67A and 68 of the Immigration Act 2014 (fees);

and in the application of either of those sections to an application for a biometric immigration document, the prescribed consequences of noncompliance may include any of the consequences specified in section 7(2) above.

*Enforcement*

**Assaulting an immigration officer: offence.**

**22.**—(1) A person who assaults an immigration officer commits an offence.

(2) A person guilty of an offence under this section shall be liable to—

(a) imprisonment for a period not exceeding 12 months,

(b) a fine not exceeding level 3 on the standard scale, or

(c) both.

**Assaulting an immigration officer: powers of arrest, &c.**

**23.**—(1) An immigration officer may arrest a person without warrant if the officer reasonably suspects that the person has committed or is about to commit an offence under section 22.

(2) An offence under section 22 shall be treated as—

(a) a relevant offence for the purposes of sections 28B and 28D of the Immigration Act 1971 (search, entry and arrest), and

(b) an offence under Part 3 of that Act (criminal proceedings) for the purposes of sections 28(4), 28E, 28G and 28H (search after arrest, &c.) of that Act.

(3) The following provisions of the Immigration Act 1971 shall have effect in connection with an offence under section 22 of this Act as they have effect in connection with an offence under that Act—

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

---

*Provision as extended to Jersey*

---

- (a) section 28I (seized material: access and copying),
- (b) section 28J (search warrants: safeguards),
- (c) section 28K (execution of warrants), and
- (d) section 28L(1) (interpretation).

**Disposal of property.**

**26.**—(1) In this section “property” means property which—

- (a) has come into the possession of an immigration officer, or
  - (b) has come into the possession of the Minister in the course of, or in connection with, a function under the Immigration Acts.
- (2) The Magistrate’s Court may, on the application of the Minister or a claimant of property—
- (a) order the delivery of property to the person appearing to the Court to be its owner, or
  - (b) if its owner cannot be ascertained, make any other order about property.
- (3) An order shall not affect the right of any person to take legal proceedings for the recovery of the property, provided that the proceedings are instituted within the period of six months beginning with the date of the order.
- (4) An order may be made in respect of property forfeited under section 25, or under section 25C of the Immigration Act 1971 (vehicles, &c.), only if—
- (a) the application under subsection (2) above is made within the period of six months beginning with the date of the forfeiture order, and
  - (b) the applicant (if not the Minister) satisfies the Court—
    - (i) that the applicant did not consent to the offender’s possession of the property, or
    - (ii) that the applicant did not know and had no reason to suspect that the property was likely to be used, or was intended to be used, in connection with an offence.
- (5) The Minister may make provision by Order for the disposal of property—
- (a) where the owner has not been ascertained,
  - (b) where an order under subsection (2) cannot be made because of subsection (4)(a), or
  - (c) where the Court has declined to make an order under subsection (2) on the grounds that the Court is not satisfied of the matters specified in subsection (4)(b).
- (6) An Order under subsection (5) may make provision that is the same as or similar to provision that may be made by Order under Article 28 of the States of Jersey Police Force Law 2012; and the Order—

---

*Provision as extended to Jersey*

---

- (a) may apply, with or without modifications, an Order under that Law,
  - (b) may, in particular, provide for property to vest in the Minister,
  - (c) may make provision about the timing of disposal (which, in particular, may differ from provision made by or under the States of Jersey Police Force Law 2012), and
  - (d) shall have effect only in so far as not inconsistent with an order of a court (whether or not under subsection (2) above).
- (7) For the purposes of subsection (1) it is immaterial whether property is acquired as a result of forfeiture or seizure or in any other way.

**Requirement to state nationality.**

**43A.**—(1) An individual who is arrested for an offence must state his or her nationality if required to do so by an immigration officer or a police officer in accordance with this section.

(2) A requirement may be imposed on an individual under subsection (1) only if the immigration officer or a police officer suspects that the individual may not be a British citizen.

(3) When imposing a requirement under subsection (1) the immigration officer or police officer must inform the individual that an offence may be committed if the individual fails to comply with a requirement imposed under this section.

(4) The immigration officer or police officer must make a written record of the imposition of a requirement under subsection (1) as soon as practicable.

(5) The written record is to be made in the presence of the individual where this is practicable.

**Offence of not giving nationality.**

**43B.**—(1) A person commits an offence if, without reasonable excuse, the person fails to comply with a requirement imposed in accordance with section 43A, whether by providing false or incomplete information or by providing no information.

(2) Information provided by a person in response to a requirement imposed in accordance with section 43A is not admissible in evidence in criminal proceedings against that person other than proceedings for an offence under this section.

(3) A person who is guilty of an offence under subsection (1) is liable to either or both of the following—

(a) imprisonment for a term not exceeding 12 months;

(b) a fine.

**Search for evidence of nationality.**

**44.**—(1) This section applies where an individual has been arrested on suspicion of the commission of an offence and an immigration officer or a police officer suspects—

(a) that the individual may not be a British citizen, and

(b) that nationality documents relating to the individual may be found on—

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

---

*Provision as extended to Jersey*

---

- (i) premises occupied or controlled by the individual,
  - (ii) premises on which the individual was arrested, or
  - (iii) premises on which the individual was, immediately before being arrested.
- (2) The immigration officer or police officer may enter and search the premises for the purpose of finding those documents.
- (3) The power of search may be exercised only with the written authority of a senior officer; and for that purpose—
- (a) “senior officer” means—
    - (i) in relation to an immigration officer, an immigration officer of at least the rank of chief immigration officer, and
    - (ii) in relation to a police officer, a police officer of at least the rank of inspector, and
  - (b) a senior officer who gives authority must arrange for a written record to be made of—
    - (i) the grounds for the suspicions in reliance on which the power of search is to be exercised, and
    - (ii) the nature of the documents sought.
- (4) The power of search may not be exercised where the individual has been released without being charged with an offence.
- (5) In relation to an individual “nationality document” means a document showing—
- (a) the individual’s identity, nationality or citizenship,
  - (b) the place from which the individual travelled to Jersey, or
  - (c) a place to which the individual is proposing to go from Jersey.
- Search for evidence of nationality: other premises.**
- 45.—**(1) This section applies where an individual—
- (a) has been arrested on suspicion of the commission of an offence, and
  - (b) has not been released without being charged with an offence.
- (2) If, on an application made by an immigration officer or a police officer, the Bailiff is satisfied that there are reasonable grounds for believing that—
- (a) the individual may not be a British citizen,
  - (b) nationality documents relating to the individual may be found on premises mentioned in subsection (2A) ,
  - (c) the documents would not be exempt from seizure under section 46(2), and

---

*Provision as extended to Jersey*

---

(d) any of the conditions in subsection (3) below applies, in relation to each set of premises specified in the application,

the Bailiff may issue a warrant authorising an immigration officer or police officer to enter and search the premises.

(2A) The premises referred to in subsection (2)(b) above are—

(a) one or more sets of premises specified in the application, or

(b) subject to subsection (3A), any premises occupied or controlled by a person specified in the application, including such sets of premises as are so specified (in which case the application is for an “all premises warrant”).

(2B) If the application is for an all premises warrant, the Bailiff must also be satisfied—

(a) that there are reasonable grounds for believing that it is necessary to search premises occupied or controlled by the person in question which are not specified in the application in order to find the nationality documents, and

(b) that it is not reasonably practicable to specify in the application all the premises which the person occupies or controls and which might need to be searched.

(2C) Subject to subsection (3A), the warrant may authorise entry to and search of premises on more than one occasion if, on the application, the justice of the peace is satisfied that it is necessary to authorise multiple entries in order to achieve the purpose for which the Bailiff issues the warrant.

(2D) If it authorises multiple entries, the number of entries authorised may be unlimited, or limited to a maximum.

(3) The conditions mentioned in subsection (2)(d) 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 nationality 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 or police officer arriving at the premises can secure immediate entry.

(4) Sections 28J and 28K of the Immigration Act 1971 (warrants: application and execution) apply, with any necessary modifications, to warrants under this section.

**Seizure of nationality documents.**

**46.—**(1) An immigration officer or police officer searching premises under section 44 or 45 may seize a document which the officer or police officer thinks is a nationality document in relation to the arrested individual.

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

---

*Provision as extended to Jersey*

---

(2) Subsection (1) does not apply to a document which is subject to legal professional privilege.

(3) An immigration officer or police officer may retain a document seized under subsection (1) while the officer or police officer suspects that—

(a) the individual to whom the document relates may be liable to removal from Jersey in accordance with a provision of the Immigration Acts, and

(b) retention of the document may facilitate the individual's removal.

(4) Section 28I of the Immigration Act 1971 (seized material: access and copying) shall have effect in relation to a document seized and retained by an immigration officer.

(5) Article 23 of the Police Procedures and Criminal Evidence (Jersey) Law 2003 (seized material: access and copying) shall have effect in relation to a document seized and retained by a police officer.

**Requirement to produce nationality document.**

**46A.**—(1) This section applies where—

(a) an individual has been arrested on suspicion of the commission of an offence, and

(b) the individual is to be released after arrest (whether or not on bail)—

(i) before a decision is taken on whether the individual should be charged with an offence, or

(ii) after being charged with an offence.

(2) Before the individual is released an immigration officer or a police officer may give the individual a notice requiring the production of a nationality document not later than 72 hours after the individual is released.

(3) A notice may be given under subsection (2) only if the immigration officer or police officer giving it suspects that the individual may not be a British citizen.

(4) A notice under subsection (2) must be given in writing.

(5) The notice must include statements that—

(a) the individual to whom it is given must produce the nationality document not later than 72 hours after the individual is released, and

(b) an offence may be committed if an individual fails to comply with a notice given under this section.

(6) The notice must also set out—

(a) the person to whom the document must be produced, and

(b) the means by which the document must be produced.

(7) In this section, and in sections 46B and 46C—



---

*Provision as extended to Jersey*

---

“nationality document” means a passport relating to the individual or, if there is no passport relating to the individual, one or more documents that enable the individual’s nationality or citizenship to be established;

“passport” means—

- (a) a United Kingdom passport (within the meaning of the Immigration Act 1971),
- (b) a passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom and Islands, or by or on behalf of an international organisation, or
- (c) a document that can be used (in some or all circumstances) instead of a passport.

**Retention of nationality document etc.**

**46B.**—(1) An immigration officer or police officer may retain a nationality document produced in response to a notice under section 46A(2) while the immigration officer or police officer suspects that—

(a) the individual to whom the document relates may be liable to removal from Jersey in accordance with a provision of the Immigration Acts, and

(b) retention of the document may facilitate the individual’s removal.

(2) Section 28I of the Immigration Act 1971 (seized material: access and copying) has effect in relation to a nationality document produced by an individual in response to a notice under section 46A(2) and retained by an immigration officer as if the nationality document had been seized when the individual had custody or control of it.

(3) Article 23 of the Police Procedures and Criminal Evidence (Jersey) Law 2003 (seized material: access and copying) has effect in relation to a nationality document produced by an individual in response to a notice under section 46A(2) and retained by a police officer as if the nationality document had been seized when the individual had custody or control of it.

**Offence of failing to produce nationality document.**

**46C.**—(1) A person commits an offence if, without reasonable excuse, the person fails to comply with a notice given in accordance with section 46A.

(2) The fact that a person deliberately destroyed or disposed of a nationality document is not a reasonable excuse for the purposes of subsection (1) unless the destruction or disposal was—

(a) for a reasonable cause, or

(b) beyond the control of the person charged with the offence.

(3) In subsection (2)(a) “reasonable cause” does not include the purpose of—

(a) delaying the handling or resolution of a claim or application or the taking of a decision,

(b) increasing the chances of success of a claim or application, or

(c) complying with instructions given by a person who offers advice about, or facilitates, immigration into Jersey, unless in the circumstances of the case it is unreasonable to expect non-compliance with the instructions or advice.

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

---

*Provision as extended to Jersey*

---

(4) A person who is guilty of an offence under subsection (1) is liable on conviction, to either or both of the following—

- (a) imprisonment for a term not exceeding 12 months;
- (b) a fine.

**Citation.**

**61.**—(1) This Act may be cited as the UK Borders Act 2007.

---