



# Police and Justice Act 2006

## 2006 CHAPTER 48

### PART 5

#### MISCELLANEOUS

##### *Independent Police Complaints Commission*

#### **41 Immigration and asylum enforcement 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.
- (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.
- (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)—

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*Status: This is the original version (as it was originally enacted).*

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- (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) 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).