



# UK Borders Act 2007

## 2007 CHAPTER 30

### *Enforcement*

#### **22 Assaulting an immigration officer: offence**

- (1) A person who assaults an immigration officer commits an offence.
- (2) A person guilty of an offence under this section shall be liable on summary conviction to—
  - (a) imprisonment for a period not exceeding 51 weeks,
  - (b) a fine not exceeding level 5 on the standard scale, or
  - (c) both.
- (3) In the application of this section to Northern Ireland the reference in subsection (2)(a) to 51 weeks shall be treated as a reference to 6 months.
- (4) In the application of this section to Scotland the reference in subsection (2)(a) to 51 weeks shall be treated as a reference to 12 months.
- (5) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44) (51 week maximum term of sentences) the reference in subsection (2)(a) to 51 weeks shall be treated as a reference to 6 months.

#### **Modifications etc. (not altering text)**

- C1** S. 22 modified (30.9.2020) by [The Channel Tunnel \(Arrangements with the Kingdom of the Netherlands\) Order 2020 \(S.I. 2020/916\)](#), arts. 1(2)(b), **5(3)**
- C2** S. 22 modified by S.I. 1994/1405, art. 5(1B) (as inserted (30.9.2020) by [The Channel Tunnel \(International Arrangements and Miscellaneous Provisions\) \(Amendment\) Order 2020 \(S.I. 2020/915\)](#), arts. 1(2), **10(2)**)
- C3** S. 22 modified by S.I. 1993/1813, art. 5(1ZB) (as inserted (30.9.2020) by [The Channel Tunnel \(International Arrangements and Miscellaneous Provisions\) \(Amendment\) Order 2020 \(S.I. 2020/915\)](#), arts. 1(2), **4(2)**)

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- C4** S. 22 modified (31.3.2021) by S.I. 2003/2818, art. 3(4) (as inserted by [The Nationality, Immigration and Asylum Act 2002 \(Juxtaposed Controls\) \(Amendment\) Order 2021 \(S.I. 2021/311\)](#), arts. 1(2), 2(3))

**Commencement Information**

- I1** S. 22 in force at 31.1.2008 by [S.I. 2008/99](#), art. 2(j)

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

- (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 (c. 77) (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—
- (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).

**Commencement Information**

- I2** S. 23 in force at 31.1.2008 by [S.I. 2008/99](#), art. 2(j)

**24** [<sup>F1</sup>Exercise of civil recovery powers by immigration officers]

- [<sup>F2</sup>(1) Chapters 3 to [<sup>F3</sup>3F] of Part 5 of the Proceeds of Crime Act 2002 (civil recovery) apply in relation to an immigration officer as they apply in relation to a constable.]
- (2) For that purpose—
- [<sup>F4</sup>(a) “unlawful conduct”, in or in relation to [<sup>F5</sup>sections 289 and 303C and [<sup>F6</sup>Chapters 3B to 3F]], means conduct which—
    - (i) relates to the entitlement of one or more persons who are not nationals of the United Kingdom to enter, transit across, or be in, the United Kingdom (including conduct which relates to conditions or other controls on any such entitlement), or
    - (ii) is undertaken for the purposes of, or otherwise in relation to, a relevant nationality enactment,
 and (in either case) constitutes an offence,]
  - (c) “senior officer” in [<sup>F7</sup>sections 290 [<sup>F8</sup>, 297A and 303E and in Chapter 3B (see section 303Z2(4))] [<sup>F9</sup>, Chapter 3C (see section 303Z20(4)), Chapter 3D (see section 303Z36(8)) and Chapter 3E (see section 303Z41(9))] means an official of the Secretary of State who is a civil servant [<sup>F10</sup>at or above the grade which

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is designated by the Secretary of State as being equivalent to the rank of police inspector],

- (d) in [F11sections 292 and 303G][F12(including as section 303G is applied by section 303Z25)] the words “(in relation to England and Wales F13...)” shall be disregarded,
- (e) [F14sections 293 [F15, 293A, 303H and 303I]][F16(including as sections 303H and 303I are applied by section 303Z25)] shall not apply,
- (f) an application for an order under section 295(2) [F17, 303L(1), 303Z28(1) or (4), 303Z32(1) or (4) or 303Z57(3) or (5)] must be made—
  - (i) in relation to England and Wales or Northern Ireland, by an immigration officer, and
  - (ii) in relation to Scotland, by the Scottish Ministers in connection with their functions under section 298 [F18, 303O, 303Z41 or (as the case may be) 303Z60] or by a procurator fiscal,
- (g) an application for forfeiture under section 298 [F19, 303O [F20, 303Z14, 303Z41 or 303Z60]] must be made—
  - (i) in relation to England and Wales or Northern Ireland, by an immigration officer, and
  - (ii) in relation to Scotland, by the Scottish Ministers, and
- (h) any compensation under section 302 [F21, 303W [F22, 303Z18, 303Z52 or 303Z64]] shall be paid by the Secretary of State.

[F23(2A) In subsection (2)(a)(ii) “relevant nationality enactment” means any enactment in—

- (a) the British Nationality Act 1981,
- (b) the Hong Kong Act 1985,
- (c) the Hong Kong (War Wives and Widows) Act 1996,
- (d) the British Nationality (Hong Kong) Act 1997,
- (e) the British Overseas Territories Act 2002, or
- (f) an instrument made under any of those Acts.]

(3) The Secretary of State may by order amend subsection (2)(c) to reflect a change in nomenclature; and an order—

- (a) shall be made by statutory instrument, and
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F1** S. 24 heading substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 21(2)**, 58(1)(6); S.I. 2018/78, reg. 3(f); S.I. 2021/724, reg. 2(1)(i)
- F2** S. 24(1) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 21(3)**, 58(1)(6); S.I. 2018/78, reg. 3(f); S.I. 2021/724, reg. 2(1)(i)
- F3** Word in s. 24(1) substituted (26.10.2023 for specified purposes, 26.4.2024 for S. for specified purposes, 26.4.2024 for E.W.N.I. in so far as not already in force) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b)(d), **Sch. 9 para. 17(2)**; S.I. 2024/269, **reg. 4(b)(i)(ii)**
- F4** S. 24(2)(a) substituted for s. 24(2)(a)(b) (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 55(6)(a)**, 61(2) (with [Sch. 21 para. 40](#)); S.I. 2013/1042, art. 4(g)

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- F5** Words in s. 24(2)(a) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 21\(4\)](#), 58(1)(6); S.I. 2018/78, reg. 3(f); S.I. 2021/724, reg. 2(1)(i)
- F6** Words in s. 24(2)(a) substituted (26.10.2023 for specified purposes, 26.4.2024 for S. for specified purposes, 26.4.2024 for E.W.N.I. in so far as not already in force) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b)(d), [Sch. 9 para. 17\(3\)](#); S.I. 2024/269, [reg. 4\(b\)\(i\)\(ii\)](#)
- F7** Words in s. 24(2)(c) substituted (1.6.2015) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(1), [Sch. 7 para. 113](#); S.I. 2015/983, arts. 2(2)(e), 3(hh)
- F8** Words in s. 24(2)(c) substituted (27.4.2017 for specified purposes, 30.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 21\(5\)](#), 58(1)(6); S.I. 2018/78, reg. 2(c); S.I. 2021/724, reg. 2(1)(i)
- F9** Words in s. 24(2)(c) inserted (26.10.2023 for specified purposes, 26.4.2024 for S. for specified purposes, 26.4.2024 for E.W.N.I. in so far as not already in force) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b)(d), [Sch. 9 para. 17\(4\)](#); S.I. 2024/269, [reg. 4\(b\)\(i\)\(ii\)](#)
- F10** Words in s. 24(2)(c) substituted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 21 para. 39](#) (with [Sch. 21 para. 40](#)); S.I. 2013/1042, art. 4(l)
- F11** Words in s. 24(2)(d) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 21\(6\)](#), 58(1)(6); S.I. 2018/78, reg. 3(f); S.I. 2021/724, reg. 2(1)(i)
- F12** Words in s. 24(2)(d) inserted (26.10.2023 for specified purposes, 26.4.2024 for S. for specified purposes, 26.4.2024 for E.W.N.I. in so far as not already in force) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b)(d), [Sch. 9 para. 17\(5\)](#); S.I. 2024/269, [reg. 4\(b\)\(i\)\(ii\)](#)
- F13** Words in s. 24(2)(d) omitted (18.10.2012) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2012 \(S.I. 2012/2595\)](#), arts. 1(2), [16\(2\)](#) (with arts. 24-28)
- F14** Words in s. 24(2)(e) substituted (18.10.2012) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2012 \(S.I. 2012/2595\)](#), arts. 1(2), [16\(3\)](#) (with arts. 24-28)
- F15** Words in s. 24(2)(e) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 21\(7\)](#), 58(1)(6); S.I. 2018/78, reg. 3(f); S.I. 2021/724, reg. 2(1)(i)
- F16** Words in s. 24(2)(e) inserted (26.10.2023 for specified purposes, 26.4.2024 for S. for specified purposes, 26.4.2024 for E.W.N.I. in so far as not already in force) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b)(d), [Sch. 9 para. 17\(6\)](#); S.I. 2024/269, [reg. 4\(b\)\(i\)\(ii\)](#)
- F17** Words in s. 24(2)(f) substituted (26.10.2023 for specified purposes, 26.4.2024 for S. for specified purposes, 26.4.2024 for E.W.N.I. in so far as not already in force) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b)(d), [Sch. 9 para. 17\(7\)\(a\)](#); S.I. 2024/269, [reg. 4\(b\)\(i\)\(ii\)](#)
- F18** Words in s. 24(2)(f)(ii) substituted (26.10.2023 for specified purposes, 26.4.2024 for S. for specified purposes, 26.4.2024 for E.W.N.I. in so far as not already in force) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b)(d), [Sch. 9 para. 17\(7\)\(b\)](#); S.I. 2024/269, [reg. 4\(b\)\(i\)\(ii\)](#)
- F19** Words in s. 24(2)(g) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 21\(10\)](#), 58(1)(6); S.I. 2018/78, reg. 3(f); S.I. 2021/724, reg. 2(1)(i)
- F20** Words in s. 24(2)(g) substituted (26.10.2023 for specified purposes, 26.4.2024 for S. for specified purposes, 26.4.2024 for E.W.N.I. in so far as not already in force) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b)(d), [Sch. 9 para. 17\(8\)](#); S.I. 2024/269, [reg. 4\(b\)\(i\)\(ii\)](#)
- F21** Words in s. 24(2)(h) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 21\(11\)](#), 58(1)(6); S.I. 2018/78, reg. 3(f); S.I. 2021/724, reg. 2(1)(i)
- F22** Words in s. 24(2)(h) substituted (26.10.2023 for specified purposes, 26.4.2024 for S. for specified purposes, 26.4.2024 for E.W.N.I. in so far as not already in force) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b)(d), [Sch. 9 para. 17\(9\)](#); S.I. 2024/269, [reg. 4\(b\)\(i\)\(ii\)](#)
- F23** S. 24(2A) inserted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), [ss. 55\(6\)\(b\)](#), 61(2) (with [Sch. 21 para. 40](#)); S.I. 2013/1042, art. 4(g)

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#### Commencement Information

**I3** S. 24 in force at 1.4.2010 by [S.I. 2010/606](#), [art. 2](#)

### [<sup>F24</sup>**25** Forfeiture of detained property

- (1) A court making a forfeiture order about property may order that the property be taken into the possession of the Secretary of State (and not of the police).
- (2) An order may be made under subsection (1) only if the court thinks that the offence in connection with which the order is made—
  - (a) related to immigration or asylum, or
  - (b) was committed for a purpose connected with immigration or asylum.
- (3) In subsection (1) “forfeiture order” means an order under—
  - <sup>F25</sup>(a) .....
  - (b) Article 11 of the Criminal Justice (Northern Ireland) Order 1994 (S.I. 1994/2795 (N.I. 15)).]

#### Textual Amendments

**F24** S. 25 repealed (E.W.) (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#), [Sch. 29](#) (with ss. 413(4), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#)

**F25** S. 25(3)(a) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#)

#### Commencement Information

**I4** S. 25 in force at 31.3.2008 by [S.I. 2008/309](#), [art. 3\(a\)](#) (with [art. 6](#))

### **26** Disposal of property

- (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 Secretary of State in the course of, or in connection with, a function under the Immigration Acts.
- (2) A magistrates' court may, on the application of the Secretary of State 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 (c. 77) (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 Secretary of State) satisfies the court—

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- (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 Secretary of State may make regulations 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 a 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) The regulations may make provision that is the same as or similar to provision that may be made by regulations under section 2 of the Police (Property) Act 1897 (c. 30) (or any similar enactment applying in relation to Scotland or Northern Ireland); and the regulations—
- (a) may apply, with or without modifications, regulations under that Act,
  - (b) may, in particular, provide for property to vest in the Secretary of State,
  - (c) may make provision about the timing of disposal (which, in particular, may differ from provision made by or under the Police (Property) Act 1897),
  - (d) shall have effect only in so far as not inconsistent with an order of a court (whether or not under subsection (2) above),
  - (e) shall be made by statutory instrument, and
  - (f) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (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.
- (8) In the application of this section to Scotland a reference to a magistrates' court is a reference to the sheriff.

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**Modifications etc. (not altering text)**

- C5** S. 26 modified (E.W.) (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), **ss. 156(3)**, 416(1) (with ss. 2, 398(1), 406, [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- C6** S. 26 excluded (28.6.2022) by 1971 c. 77, s. 28PA(6)(a) (as inserted by [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(1), **Sch. 7 para. 7**; [S.I. 2022/590](#), regs. 1(2), 2, [Sch. 1 para. 22](#) (with [Sch. 2 para. 8](#)))
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**Commencement Information**

- I5** S. 26 in force at 31.1.2008 for specified purposes by [S.I. 2008/99](#), **art. 2(k)** (with [art. 4](#))
- I6** S. 26 in force at 1.4.2008 in so far as not already in force by [S.I. 2008/309](#), **art. 4(a)** (with [art. 7](#))

**27 Employment: arrest**

In section 28AA of the Immigration Act 1971 (c. 77) (arrest with warrant) for subsection (1)(b) substitute—

“(b) section 21(1) of the Immigration, Asylum and Nationality Act 2006.”

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**Commencement Information**

**I7** S. 27 in force at 29.2.2008 by [S.I. 2008/309](#), [art. 2\(a\)](#) (with [art. 5](#))

**28 Employment: search for personnel records**

In section 28FA(7) of the Immigration Act 1971 (enforcement: search for personnel records) for “an offence under section 8 of the Asylum and Immigration Act 1996 (c. 49)” substitute “ an offence under section 21 of the Immigration, Asylum and Nationality Act 2006 ”.

**Commencement Information**

**I8** S. 28 in force at 29.2.2008 by [S.I. 2008/309](#), [art. 2\(b\)](#) (with [art. 5](#))

**29 Facilitation: arrival and entry**

In section 25A(1)(a) of the Immigration Act 1971 (helping asylum seeker to enter UK: offence) after “the arrival in” insert “ , or the entry into, ”.

**Commencement Information**

**I9** S. 29 in force at 31.1.2008 by [S.I. 2008/99](#), [art. 2\(l\)](#)

**30 Facilitation: territorial application**

(1) For section 25(4) and (5) of the Immigration Act 1971 (assisting unlawful immigration: territorial application) substitute—

“(4) Subsection (1) applies to things done whether inside or outside the United Kingdom.”

(2) In sections 25A(4) and 25B(4) (facilitation: asylum-seekers and deportees) for “Subsections (4) to (6)” substitute “ Subsections (4) and (6) ”.

**Commencement Information**

**I10** S. 30 in force at 31.1.2008 by [S.I. 2008/99](#), [art. 2\(l\)](#)

**31 People trafficking**

<sup>F26</sup>[<sup>F27</sup>(1) In section 4(1) of the Asylum and Immigration (Treatment of Claimants, etc. ) Act 2004 (c. 19) (trafficking) after “the arrival in” insert “ , or the entry into, ” .

<sup>F27</sup>( 2 ) . . . . .

(3) In section 57(1) of the Sexual Offences Act 2003 (c. 42) (trafficking) after “the arrival in” insert “ , or the entry into, ” .

(4) For sections 60(2) and (3) of that Act (trafficking: extent) substitute—



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“(2) Sections 57 to 59 apply to anything done whether inside or outside the United Kingdom.”]]

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**Textual Amendments**

- F26** S. 31 repealed (N.I.) (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\)](#), s. 28, **Sch. 5**
- F27** S. 31 repealed (E.W.) (6.4.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 10 Pt. 9** (with s. 97); [S.I. 2013/470](#), art. 2(f)

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**Commencement Information**

- I11** S. 31 in force at 31.1.2008 by [S.I. 2008/99](#), art. 2(1)



**Changes to legislation:**

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