
Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross Heading: Proceeds of Crime Act 2002. (See end of Document for details)

SCHEDULES

SCHEDULE 21

POWERS OF IMMIGRATION OFFICERS: FURTHER PROVISION

PART 1

GENERAL

Proceeds of Crime Act 2002

14 The Proceeds of Crime Act 2002 is amended as follows.

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Commencement Information

- I1** Sch. 21 para. 14 in force at 25.6.2013 for specified purposes by S.I. 2013/1042, art. 4(j)
I2 Sch. 21 para. 14 in force at 22.11.2014 for specified purposes by S.I. 2014/3098, art. 2(d)

15 In section 41A (restraint orders: power to retain seized property etc), in subsection (3), after paragraph (c) insert—
“(ca) an immigration officer;”.

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Commencement Information

- I3** Sch. 21 para. 15 in force at 22.11.2014 by S.I. 2014/3098, art. 2(e)

16 (1) Section 47C (power to seize property) is amended in accordance with this paragraph.

(2) Subsection (6) is amended as follows—

- (a) after paragraph (a) insert—
“(aa) where applicable, in accordance with subsection (6A) or (6B).”;
- (b) for “(b) is exercisable” substitute—
“(6A) The power conferred by this section is exercisable”.

(3) After subsection (6A) insert—

“(6B) The power conferred by this section is exercisable by an immigration officer only if the officer has reasonable grounds for suspecting that conduct constituting the relevant offence—

- (a) 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

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(b) is undertaken for the purposes of, or otherwise in relation to, a relevant nationality enactment.”.

(4) After subsection (7) insert—

“(8) 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.”.

Commencement Information

I4 Sch. 21 para. 16 in force at 22.11.2014 by S.I. 2014/3098, art. 2(e)

17 In section 47G (“appropriate approval”), in subsection (3), after paragraph (a) insert—

“(aa) in relation to the exercise of a power by an immigration officer, an immigration officer of a rank designated by the Secretary of State as equivalent to that of a senior police officer,”.

Commencement Information

I5 Sch. 21 para. 17 in force at 22.11.2014 by S.I. 2014/3098, art. 2(e)

18 In section 47M (further detention in other cases), in subsection (3), after paragraph (a) insert—

“(aa) an immigration officer;”.

Commencement Information

I6 Sch. 21 para. 18 in force at 22.11.2014 by S.I. 2014/3098, art. 2(e)

19 In section 72 (serious default), in subsection (9), after paragraph (e) insert—

“(ea) if the person in default was an immigration officer, the compensation is payable by the Secretary of State;”.

Commencement Information

I7 Sch. 21 para. 19 in force at 25.6.2013 by S.I. 2013/1042, art. 4(k)

20 In section 120A (restraint orders: power to retain seized property etc), in subsection (3), after paragraph (b) insert—

“(ba) an immigration officer;”.

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Commencement Information

I8 Sch. 21 para. 20 in force at 22.11.2014 by S.I. 2014/3098, art. 2(e)

21 (1) Section 127C (power to seize property) is amended in accordance with this paragraph.

(2) Subsection (6) is amended as follows—

(a) after paragraph (a) insert—

“(aa) where applicable, in accordance with subsection (6A) or (6B).”;

(b) for “(b) is exercisable” substitute—

“(6A) The power conferred by this section is exercisable”.

(3) After subsection (6A) insert—

“(6B) The power conferred by this section is exercisable by an immigration officer only if the officer has reasonable grounds for suspecting that conduct constituting the relevant offence—

(a) 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

(b) is undertaken for the purposes of, or otherwise in relation to, a relevant nationality enactment.”.

(4) After subsection (7) insert—

“(8) 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.”.

Commencement Information

I9 Sch. 21 para. 21 in force at 22.11.2014 by S.I. 2014/3098, art. 2(e)

22 In section 127G (“appropriate approval”), in subsection (3), after paragraph (a) insert—

“(aa) in relation to the exercise of a power by an immigration officer, an immigration officer of a rank designated by the Secretary of State as equivalent to that of a senior police officer.”.

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I10 Sch. 21 para. 22 in force at 22.11.2014 by S.I. 2014/3098, art. 2(e)

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- 23 In section 127M (further detention in other cases: Scotland), in subsection (3), after paragraph (a) insert—

“(aa) an immigration officer;”.

Commencement Information

I11 Sch. 21 para. 23 in force at 22.11.2014 by S.I. 2014/3098, art. 2(e)

- 24 In section 190A (restraint orders: power to retain seized property), in subsection (3), after paragraph (c) insert—

“(ca) an immigration officer;”.

Commencement Information

I12 Sch. 21 para. 24 in force at 22.11.2014 by S.I. 2014/3098, art. 2(e)

- 25 (1) Section 195C (power to seize property) is amended in accordance with this paragraph.

- (2) Subsection (6) is amended as follows—

- (a) after paragraph (a) insert—

“(aa) where applicable, in accordance with subsection (6A) or (6B).”;

- (b) for “(b) is exercisable” substitute—

“(6A) The power conferred by this section is exercisable”.

- (3) After subsection (6A) insert—

“(6B) The power conferred by this section is exercisable by an immigration officer only if the officer has reasonable grounds for suspecting that conduct constituting the relevant offence—

- (a) 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

- (b) is undertaken for the purposes of, or otherwise in relation to, a relevant nationality enactment.”.

- (4) After subsection (7) insert—

“(8) 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.”.

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Commencement Information

I13 Sch. 21 para. 25 in force at 22.11.2014 by S.I. 2014/3098, art. 2(e)

26 In section 195G (“appropriate approval”), in subsection (3), after paragraph (a) insert—

“(aa) in relation to the exercise of a power by an immigration officer, an immigration officer of a rank designated by the Secretary of State as equivalent to that of a senior police officer.”

Commencement Information

I14 Sch. 21 para. 26 in force at 22.11.2014 by S.I. 2014/3098, art. 2(e)

27 In section 195M (further detention in other cases: Northern Ireland), in subsection (3), after paragraph (a) insert—

“(aa) an immigration officer;”

Commencement Information

I15 Sch. 21 para. 27 in force at 22.11.2014 by S.I. 2014/3098, art. 2(e)

28 In section 297A (forfeiture notice), in subsection (6), after paragraph (a) insert—

“(aa) an immigration officer of a rank designated by the Secretary of State as equivalent to that of a senior police officer.”

Commencement Information

I16 Sch. 21 para. 28 in force at 22.11.2014 by S.I. 2014/3098, art. 2(e)

29 In section 297F (release of cash subject to forfeiture notice), in subsection (4), after “Customs,” insert “ immigration officer, ”.

Commencement Information

I17 Sch. 21 para. 29 in force at 22.11.2014 by S.I. 2014/3098, art. 2(e)

30 In section 351 (supplementary provision about production orders), in subsection (5)

(a) after “customs officer” (in the first place) insert “ or an immigration officer ”.

(b) after “customs officer” (in the second place) insert “ or immigration officer ”.

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I18 Sch. 21 para. 30 in force at 25.6.2013 by S.I. 2013/1042, art. 4(k)

31 In section 352 (search and seizure warrants), in subsection (5)—

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- (a) in paragraph (a), after “a customs officer” insert “ or an immigration officer ”;
- (b) in paragraph (c), after “Customs” insert “ or an immigration officer ”.

Commencement Information

I19 Sch. 21 para. 31 in force at 25.6.2013 by S.I. 2013/1042, art. 4(k)

- 32 In section 353 (requirements where production order not available), in subsection (10)—
- (a) in paragraph (a)—
 - (i) for “investigator or” substitute “ investigator, ”;
 - (ii) after “customs officer” insert “ or an immigration officer ”;
 - (b) in paragraph (c)—
 - (i) for “investigator or” substitute “ investigator, ”;
 - (ii) after “Customs” insert “ or an immigration officer ”.

Commencement Information

I20 Sch. 21 para. 32 in force at 25.6.2013 by S.I. 2013/1042, art. 4(k)

- 33 In section 356 (further provisions: civil recovery and detained cash), in subsection (11)(b), after “Customs” insert “ or an immigration officer ”.

Commencement Information

I21 Sch. 21 para. 33 in force at 25.6.2013 by S.I. 2013/1042, art. 4(k)

- 34 In section 357 (disclosure orders), in subsection (8)—
- (a) in paragraph (c), omit the final “and”;
 - (b) at the end of paragraph (d), insert “; and—
 - (e) in relation to a confiscation investigation carried out by an immigration officer, the Director of Public Prosecutions, the Director of Public Prosecutions for Northern Ireland or any specified person.”.

Commencement Information

I22 Sch. 21 para. 34 in force at 25.6.2013 by S.I. 2013/1042, art. 4(k)

- 35 (1) Section 369 (supplementary provision about customer information orders) is amended in accordance with this paragraph.
- (2) In subsection (5)—
- (a) after “customs officer” (in the first place) insert “ or an immigration officer ”;
 - (b) after “customs officer” (in the second place) insert “ or immigration officer ”.
- (3) In subsection (7), after “customs officer” insert “ or an immigration officer ”.

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Commencement Information

I23 Sch. 21 para. 35 in force at 25.6.2013 by S.I. 2013/1042, art. 4(k)

- 36 In section 375 (supplementary provision about account monitoring orders), in subsection (4)—
- (a) after “customs officer” (in the first place) insert “ or an immigration officer ”,
 - (b) after “customs officer” (in the second place) insert “ or immigration officer ”.

Commencement Information

I24 Sch. 21 para. 36 in force at 25.6.2013 by S.I. 2013/1042, art. 4(k)

- 37 (1) Section 377 (code of practice of Secretary of State etc) is amended in accordance with this paragraph.
- (2) In subsection (1), after paragraph (e) insert—
- “(f) immigration officers.”.
- (3) In subsection (5), for “(e)” substitute “ (f) ”.

Commencement Information

I25 Sch. 21 para. 37 in force at 25.6.2013 by S.I. 2013/1042, art. 4(k)

- 38 In section 412 (interpretation of Chapter 3 of Part 8 — Scotland), in the provision which relates to references to a “constable”, after “customs and excise officer” insert “ and to an immigration officer ”.

Commencement Information

I26 Sch. 21 para. 38 in force at 25.6.2013 by S.I. 2013/1042, art. 4(k)

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