

*Status: Point in time view as at 31/07/2017.*

*Changes to legislation: Immigration Act 1971 is up to date with all changes known to be in force on or before 20 June 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

### F1<sup>1</sup>SCHEDULE 1 U.K.

#### Textual Amendments

- F1** Sch. 1 repealed (1.1.1983) by [British Nationality Act 1981 \(c. 61\), s. 52\(7\), Sch. 9](#) (with [Sch. 8 para. 8](#)); [S.I. 1982/933, art. 2](#) [Editorial note: According to the *Chronological Table of the Statutes (1951-1987)* (HMSO, 1989) there were no amendments made to Sch. 1 between the date of Royal Assent and its substitution on 1.1.1983 and therefore the text of Sch. 1 as in force immediately before the commencement of the British Nationality Act 1981 is the same as that of the [Original \(As enacted\) Version](#) of this Schedule.]

F1

### SCHEDULE 2 U.K.

#### ADMINISTRATIVE PROVISIONS AS TO CONTROL ON ENTRY ETC.

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

- C1** Sch. 2 modified (10.6.1991) by [Criminal Justice \(International Co-operation\) Act 1990 \(c. 5, SIF 39:1\), s. 6\(6\)\(b\)](#); [S.I. 1991/1072, art. 2, Sch. Pt.I](#)
- C2** Sch. 2 modified (2.8.1993) by [S.I. 1993/1813, arts. 7\(1\), 1, Sch. 4 para. 1\(11\)](#) (as amended: (1.12.1997) by [S.I. 1994/1405, art. 8, Sch. 4 para. 11](#); (30.7.2000) by [S.I. 2000/1775, arts. 1, 2\(2\)](#); (25.5.2001) by [S.I. 2001/1544, arts. 1\(2\), 6\(3\)](#) (as itself amended (2.1.2008) by [S.I. 2007/3579, art. 2\(2\)\(3\)](#)); (5.8.2014) by [S.I. 2014/1814, arts. 1, 2\(3\)\(4\)](#); and (30.9.2020) by [S.I. 2020/915, arts. 1\(2\), 5\(5\)](#))  
Sch. 2 extended (with modifications): (Guernsey) (1.8.1993) by [S.I. 1993/1796, art. 3\(1\), Sch. 1 Pt. 1](#); (Jersey) (1.8.1993) by [S.I. 1993/1797, art. 3\(1\), Sch. 1 Pt. 1](#) (as amended (17.10.2012) by [S.I. 2012/2593, arts. 1, 2\(2\)](#))  
Sch. 2 applied (20.7.1994) by [S.I. 1994/1895, art. 20\(2\)](#)  
Sch. 2 amended (2.10.2000) by [1999 c. 33, s. 66](#); [S.I. 2000/2444, art. 2, Sch. 1](#) (subject to transitional provisions in [art. 3, Sch. 2 para. 2](#))  
Sch. 2 extended (10.2.2003) (with modifications) by [2002 c. 41, s. 62\(3\)](#) (with [s. 159](#)); [S.I. 2003/1, art. 2, Sch. 2, Sch.](#)  
Sch. 2 amended (1.4.2003) by [2002 c. 41, s. 68](#) (with [s. 159](#)); [S.I. 2003/754, art. 2, Sch. 1](#) (with transitional provisions in [arts. 3, 4, Sch. 2](#)) (as amended by [S.I. 2003/1040](#) and [S.I. 2003/1339](#))
- C3** Sch. 2 applied by [The Immigration \(European Economic Area\) Regulations 2006 \(S.I. 2006/1003\), reg. 24\(4\)](#) (as substituted (1.6.2009) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2009 \(S.I. 2009/1117\), reg. 2, Sch. 1 para. 10\(c\)](#))
- C4** Sch. 2 applied in part (with modifications) by [S.I. 2006/1003, reg. 29AA\(6\)\(7\)](#) (as inserted (28.7.2014) by [The Immigration \(European Economic Area\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/1976\), reg. 1, Sch. para. 8](#) (with [reg. 4](#)))

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- C5** Sch. 2 applied (1.2.2017 for specified purposes) by [The Immigration \(European Economic Area\) Regulations 2016 \(S.I. 2016/1052\)](#), regs. 1(2)(b), **40(7)**, 41(7)
- C6** Sch. 2 modified (31.7.2017) by [The Criminal Justice \(European Investigation Order\) Regulations 2017 \(S.I. 2017/730\)](#), regs. 1(1), **55(7)(b)** (with reg. 3)
- C7** Sch. 2 modified (31.7.2017) by [The Criminal Justice \(European Investigation Order\) Regulations 2017 \(S.I. 2017/730\)](#), regs. 1(1), **21(8)(b)** (with reg. 3)

## PART I U.K.

### GENERAL PROVISIONS

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

- C8** Sch. 2 Pt. I applied (with modifications) (2.10.2000) by [1999 c. 33, s. 58\(3\)](#), [Sch. 4 Pt. II para. 12](#); [S.I. 2000/2444, art. 2](#), [Sch. 1](#) (subject to transitional provisions in [art. 3](#), [Sch. 2 para. 2](#))  
 Sch. 2 Pt. I amended (2.10.2000) by [1999 c. 33, s. 58\(3\)](#), [Sch. 4 Pt. II para. 15](#); [S.I. 2000/2444, art. 2](#), [Sch. 1](#) (subject to transitional provisions in [art. 3](#), [Sch. 2 para. 2](#))  
 Sch. 2 Pt. I applied (with modifications) (2.10.2000 with application as mentioned in regs. 9, 28) by [S.I. 2000/2326, reg. 32\(3\)\(7\)](#) (as substituted (1.4.2003) for reg. 34(3)(10) by [S.I. 2003/549, reg. 2\(8\)](#) (with reg. 3))
- C9** Sch. 2 Pt. I applied (1.2.2017 for specified purposes) by [The Immigration \(European Economic Area\) Regulations 2016 \(S.I. 2016/1052\)](#), regs. 1(2)(b), **40(4)**

#### *Immigration officers and medical inspectors*

- 1 (1) Immigration officers for the purposes of this Act shall be appointed by the Secretary of State, and he may arrange with the Commissioners of Customs and Excise for the employment of officers of customs and excise as immigration officers under this Act.
- (2) Medical inspectors for the purposes of this Act may be appointed by the Secretary of State or, in Northern Ireland, by the Minister of Health and Social Services or other appropriate Minister of the Government of Northern Ireland in pursuance of arrangements made between that Minister and the Secretary of State, and shall be fully qualified medical practitioners.
- [<sup>F2</sup>(2A) The Secretary of State may direct that his function of appointing medical inspectors under sub-paragraph (2) is also to be exercisable by such persons specified in the direction who exercise functions relating to health in England or Wales.]
- (3) In the exercise of their functions under this Act immigration officers shall act in accordance with such instructions (not inconsistent with the immigration rules) as may be given them by the Secretary of State, and medical inspectors shall act in accordance with such instructions as may be given them by the Secretary of State or, in Northern Ireland, as may be given in pursuance of the arrangements mentioned in sub-paragraph (2) above by the Minister making appointments of medical inspectors in Northern Ireland.
- (4) An immigration officer or medical inspector may board any ship [<sup>F3</sup>or aircraft] for the purpose of exercising his functions under this Act.
- (5) An immigration officer, for the purpose of satisfying himself whether there are persons he may wish to examine under paragraph 2 below, may search any ship [<sup>F3</sup>or

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aircraft] and anything on board it, or any vehicle taken off a ship or aircraft on which it has been brought to the United Kingdom.

#### Textual Amendments

- F2** Sch. 2 para. 1(2A) inserted (23.9.2004) by [Health Protection Agency Act 2004 \(c. 17\)](#), ss. 11(1), 12(3), [Sch. 3 para. 3](#)
- F3** Words in Sch. 2 para. 1(4)(5) substituted (2.8.1993) by [S.I. 1993/1813](#), arts. 8, 1, [Sch. 5 para. 1\(a\)](#)

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

- C10** Reference to Minister of Health and Social Services in para. 1(2) to be construed as reference to head of Department of Health and Social Services and reference to other appropriate Minister of the Government of Northern Ireland to be construed as reference to the head of a Northern Ireland Department: [Northern Ireland Constitution Act 1973 \(c. 36\)](#), s. 7
- Sch. 2 para. 1(2): transfer of certain functions (S.)(1.7.1999) by [S.I. 1999/1750](#), arts. 1, 2, [Sch. 1](#) (with art. 7); [S.I. 1998/3178](#), art. 3
- C11** Sch. 2 para. 1(3): transfer of certain functions (S.)(1.7.1999) by [S.I. 1999/1750](#), arts. 1, 2, [Sch. 1](#) (with art. 7); [S.I. 1998/3178](#), art. 3

#### *Examination by immigration officers, and medical examination*

- 2 (1) An immigration officer may examine any persons who have arrived in the United Kingdom by ship [<sup>F4</sup>or aircraft] (including transit passengers, members of the crew and others not seeking to enter the United Kingdom) for the purpose of determining—
- (a) whether any of them is or is not [<sup>F5</sup>a British citizen]; and
  - (b) whether, if he is not, he may or may not enter the United Kingdom without leave; and
  - [<sup>F6</sup>(c) whether, if he may not—
    - (i) he has been given leave which is still in force,
    - (ii) he should be given leave and for what period or on what conditions (if any), or
    - (iii) he should be refused leave.][<sup>F7</sup>; and
  - (d) whether, if he has been given leave which is still in force, his leave should be curtailed.]
- (2) Any such person, if he is seeking to enter the United Kingdom, may be examined also by a medical inspector or by any qualified person carrying out a test or examination required by a medical inspector.
- (3) A person, on being examined under this paragraph by an immigration officer or medical inspector, may be required in writing by him to submit to further examination; but a requirement under this sub-paragraph shall not prevent a person who arrives as a transit passenger, or as a member of the crew of a ship or aircraft, or for the purpose of joining a ship or aircraft as a member of the crew, from leaving by his intended ship or aircraft.

#### Textual Amendments

- F4** Words in Sch. 2 para. 2(1) substituted (2.8.1993) by [S.I. 1993/1813](#), arts 8, 1, [Sch. 5 para. 1\(b\)](#)
- F5** Words substituted by [British Nationality Act 1981 \(c. 61\)](#), s. 52(7), [Sch. 4 para. 2](#) (with Sch. 8 para. 8)

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- F6** Sch. 2 para. 2(1)(c) substituted (14.2.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, 56; S.I. 2000/168, art. 2, Sch. (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)
- F7** Sch. 2 para. 2(1)(d) inserted (12.7.2016) by Immigration Act 2016 (c. 19), ss. 46(2), 94(1); S.I. 2016/603, reg. 3(g)

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

- C12** Sch. 2 para. 2 excluded by Immigration Act 1988 (c. 14, SIF 62), s. 8(4)  
 Sch. 2 para. 2 modified (18.7.2001) by S.I. 2001/2950, art. 3
- C13** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by S.I. 2000/2326, reg. 24(2) (with regs. 9, 28)

*[<sup>F8</sup> Examination of persons who arrive with continuing leave]*

**Textual Amendments**

- F8** Heading inserted (14.2.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, 57; S.I. 2000/168, art. 2, Sch

<sup>F9</sup>2A (1) This paragraph applies to a person who has arrived in the United Kingdom with leave to enter which is in force but which was given to him before his arrival.

- (2) He may be examined by an immigration officer for the purpose of establishing—
- (a) whether there has been such a change in the circumstances of his case, since that leave was given, that it should be cancelled;
  - (b) whether that leave was obtained as a result of false information given by him or his failure to disclose material facts; or
  - (c) whether there are medical grounds on which that leave should be cancelled.

<sup>F10</sup>(2A) [ Where the person's leave to enter derives, by virtue of section 3A(3), from an entry clearance, he may also be examined by an immigration officer for the purpose of establishing whether the leave should be cancelled on the grounds that the person's purpose in arriving in the United Kingdom is different from the purpose specified in the entry clearance.]

- (3) He may also be examined by an immigration officer for the purpose of determining whether it would be conducive to the public good for that leave to be cancelled.
- (4) He may also be examined by a medical inspector or by any qualified person carrying out a test or examination required by a medical inspector.
- (5) A person examined under this paragraph may be required by the officer or inspector to submit to further examination.
- (6) A requirement under sub-paragraph (5) does not prevent a person who arrives—
- (a) as a transit passenger,
  - (b) as a member of the crew of a ship or aircraft, or
  - (c) for the purpose of joining a ship or aircraft as a member of the crew,
- from leaving by his intended ship or aircraft.
- (7) An immigration officer examining a person under this paragraph may by notice suspend his leave to enter until the examination is completed.

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(8) An immigration officer may, on the completion of any examination of a person under this paragraph, cancel his leave to enter.

<sup>F11</sup>(9) . . . . .

(10) A requirement imposed under sub-paragraph (5) and a notice given under sub-paragraph (7) must be in writing.]

#### Textual Amendments

**F9** Sch. 2 para. 2A inserted (14.2.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, 58; S.I. 2000/168, art. 2, Sch. (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)

**F10** Sch. 2 para. 2A(2A) inserted (1.10.2004) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), s. 18; S.I. 2004/2523, art. 2, Sch.

**F11** Sch. 2 para. 2A(9) omitted (1.12.2016) by virtue of Immigration Act 2016 (c. 19), ss. 65(1), 94(1) (with s. 65(3)); S.I. 2016/1037, reg. 5(h)

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

**C14** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by S.I. 2000/2326, reg. 24(2) (with regs. 9, 28)

Sch. 2 para. 2A extended (14.12.2001) by 2001 c. 24, ss. 22(2)(g)(3), 127(2)

3 (1) An immigration officer [<sup>F12</sup>or designated person] may examine any person who is embarking or seeking to embark in the United Kingdom <sup>F13</sup>. . .for the purpose of determining whether he is [<sup>F14</sup>a British citizen][<sup>F15</sup>and, if he is not a British citizen, for the purpose of establishing—

- (a) his identity;
- (b) whether he entered the United Kingdom lawfully;
- (c) whether he has complied with any conditions of leave to enter or remain in the United Kingdom;
- (d) whether his return to the United Kingdom is prohibited or restricted.

[<sup>F16</sup>(1A) If a person is examined under sub-paragraph (1) (whether by an immigration officer or designated person), an immigration officer may require the person, by notice in writing, to submit to further examination by the immigration officer for a purpose specified in that sub-paragraph.]

(2) So long as any Order in Council is in force under section 3(7) of this Act, an immigration officer may examine any person who is embarking or seeking to embark in the United Kingdom <sup>F13</sup>. . . for the purpose of determining—

- (a) whether any of the provisions of the Order apply to him; and
- (b) whether, if so, any power conferred by the Order should be exercised in relation to him and in what way.]

#### Textual Amendments

**F12** Words in Sch. 2 para. 3(1) inserted (28.7.2014) by Immigration Act 2014 (c. 22), s. 75(3), Sch. 8 para. 2(2); S.I. 2014/1820, art. 3(bb)

**F13** Words in Sch. 2 para. 3(1)(2) repealed (2.8.1993) by S.I. 1993/1813 arts. 1, 9, Sch. 6 Pt. I

**F14** Words substituted by British Nationality Act 1981 (c. 61), s. 52(7), Sch. 4 para. 2 (with Sch. 8 para. 8)

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**F15** Words in Sch. 2 para. 3 substituted (31.8.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\), s. 42\(2\)](#); [S.I. 2006/2226, art. 3, Sch. 1](#) (subject to transitional provisions in art. 4)

**F16** Sch. 2 para. 3(1A) substituted (28.7.2014) by [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 8 para. 2\(3\)](#); [S.I. 2014/1820, art. 3\(bb\)](#)

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

**C15** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by [S.I. 2000/2326, reg. 24\(2\)](#) (with [regs. 9, 28](#))

*Information and documents*

- 4 (1) It shall be the duty of any person examined under paragraph 2<sup>[F17]</sup>, 2A] or 3 above to furnish to the person carrying out the examination all such information in his possession as that person may require for the purpose of <sup>[F18]</sup>that or any other person's functions] under that paragraph.
- (2) A person on his examination under paragraph 2<sup>[F17]</sup>, 2A] or 3 above by an immigration officer <sup>[F19]</sup>, or on his examination under paragraph 3 above by a designated person, shall, if so required by an immigration officer or designated person ] —
- (a) produce either a valid passport with photograph or some other document satisfactorily establishing his identity and nationality or citizenship; and
  - (b) declare whether or not he is carrying or conveying <sup>[F20]</sup>, or has carried or conveyed,] documents of any relevant description specified by <sup>[F21]</sup>the immigration officer or designated person], and produce any documents of that description which he is carrying or conveying.

In paragraph (b), “relevant description” means any description appearing to <sup>[F22]</sup>the immigration officer or designated person] to be relevant for the purposes of the examination.

(2A) <sup>F23</sup> .....

- (3) Where under sub-paragraph (2)(b) above a person has been required to declare whether or not he is carrying or conveying <sup>[F24]</sup>, or has carried or conveyed,] documents of any description,
- <sup>F25</sup>[(a) he and any baggage or vehicle belonging to him or under his control; and  
 (b) any ship, aircraft or vehicle in which he arrived in the United Kingdom,]  
 may be searched with a view to ascertaining whether he is doing <sup>[F26]</sup>or, as the case may be, has done] so by <sup>[F27]</sup>an immigration officer or a person acting under the directions of an immigration officer] :

Provided that no woman or girl shall be searched except by a woman.

- <sup>[F28]</sup>(4) Where a passport or other document is <sup>[F29]</sup>produced to or found by an immigration officer] in accordance with this paragraph<sup>[F30]</sup>, the immigration officer] may examine it and detain it—
- (a) for the purpose of examining it, for a period not exceeding 7 days;
  - (b) for any purpose, until the person to whom the document relates is given leave to enter the United Kingdom or is about to depart or be removed following refusal of leave or until it is decided that the person does not require leave to enter;

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- (c) after a time described in paragraph (b), while the immigration officer thinks that the document may be required in connection with proceedings in respect of an appeal under the Immigration Acts or in respect of an offence.

[ Where a passport or other document is produced to a designated person in accordance <sup>F31</sup>(4A) with this paragraph, the designated person—

- (a) may examine it and detain it; and
- (b) must deliver any detained passport or document to an immigration officer as soon as reasonably practicable.

(4B) If a passport or document is delivered to an immigration officer in accordance with sub-paragraph (4A)(b), sub-paragraph (4) applies as if the immigration officer had detained the document (and, accordingly, the immigration officer may continue to detain it in accordance with sub-paragraph (4)(a), (b) or (c)).]

- (5) For the purpose of ascertaining that a passport or other document produced or found in accordance with this paragraph relates to a person examined under paragraph 2, 2A or 3 above, the person carrying out the examination<sup>F32</sup>, or any immigration officer or designated person,] may require the person being examined to provide [<sup>F33</sup>biometric] information (whether or not by submitting to a process by means of which information is obtained or recorded)<sup>F34</sup> ....]

[<sup>F35</sup>(6) Biometric information” has the meaning given by section 15 of the UK Borders Act 2007.]

[<sup>F36</sup>(7) A person (“P”) who is under 16 may not be required to provide biometric information under sub-paragraph (5) unless—

- (a) the decision to require P to provide the information has been confirmed by a chief immigration officer, and
- (b) the information is provided in the presence of a person of full age who is—
  - (i) P's parent or guardian, or
  - (ii) a person who for the time being takes responsibility for P.

(8) The person mentioned in sub-paragraph (7)(b)(ii) may not be—

- (a) a person who is entitled to require the provision of information under sub-paragraph (5) (an “authorised person”), or
- (b) an officer of the Secretary of State who is not such a person.

(9) Sub-paragraph (7) does not prevent an authorised person requiring the provision of biometric information by a person the authorised person reasonably believes to be 16 or over.]

#### Textual Amendments

- F17** Words in Sch. 2 para. 4(1)(2) inserted (14.2.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, 58; S.I. 2000/168, art. 2, Sch. (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)
- F18** Words in Sch. 2 para. 4(1) substituted (28.7.2014) by Immigration Act 2014 (c. 22), s. 75(3), Sch. 8 para. 3(2); S.I. 2014/1820, art. 3(bb)
- F19** Words in Sch. 2 para. 4(2) substituted (28.7.2014) by Immigration Act 2014 (c. 22), s. 75(3), Sch. 8 para. 3(3)(a); S.I. 2014/1820, art. 3(bb)
- F20** Words in Sch. 2 para. 4(2)(b) inserted (1.10.1996) by 1996 c. 49, s. 12(1), Sch. 2 para. 5(1); S.I. 1996/2053, art. 2, Sch. Pt. III

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- F21** Words in Sch. 2 para. 4(2)(b) substituted (28.7.2014) by [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 8 para. 3\(3\)\(b\)](#); S.I. 2014/1820, art. 3(bb)
- F22** Words in Sch. 2 para. 4(2) substituted (28.7.2014) by [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 8 para. 3\(3\)\(c\)](#); S.I. 2014/1820, art. 3(bb)
- F23** Sch. 2 para. 4(2A) repealed (31.8.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\), ss. {27\(2\)}, 61, {Sch. 3}](#); S.I. 2006/2226, [art. 3, Sch. 1](#) (subject to transitional provisions in art. 4)
- F24** Words in Sch. 2 para. 4(3) inserted (1.10.1996) by [1996 c. 49, s. 12\(1\), Sch. 2 para. 5\(2\)\(a\)](#); S.I. 1996/2053, art. 2, [Sch. Pt. III](#)
- F25** Sch. 2 para. 4(3)(a)(b) substituted (1.10.1996) for words by [1996 c. 49, s. 12\(1\), Sch. 2 para. 5\(2\)\(b\)](#); S.I. 1996/2053, art. 2, [Sch. Pt. III](#)
- F26** Words in Sch. 2 para. 4(3) inserted (1.10.1996) by [1996 c. 49, s. 12\(1\), Sch. 2 para. 5\(2\)\(c\)](#); S.I. 1996/2053, art. 2, [Sch. Pt. III](#)
- F27** Words in Sch. 2 para. 4(3) substituted (28.7.2014) by [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 8 para. 3\(4\)](#); S.I. 2014/1820, art. 3(bb)
- F28** Sch. 2 para. 4(4)(5) substituted (31.8.2006) for Sch. 2 para. 4(4) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\), s. 27\(1\)](#); S.I. 2006/2226, [art. 3, Sch. 1](#) (subject to transitional provisions in art. 4)
- F29** Words in Sch. 2 para. 4(4) substituted (28.7.2014) by [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 8 para. 3\(5\)\(a\)](#); S.I. 2014/1820, art. 3(bb)
- F30** Words in Sch. 2 para. 4(4) substituted (28.7.2014) by [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 8 para. 3\(5\)\(b\)](#); S.I. 2014/1820, art. 3(bb)
- F31** Sch. 2 para. 4(4A)(4B) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 8 para. 3\(6\)](#); S.I. 2014/1820, art. 3(bb)
- F32** Words in Sch. 2 para. 4(5) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 8 para. 3\(7\)](#); S.I. 2014/1820, art. 3(bb)
- F33** Word in Sch. 2 para. 4(5) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 2 para. 1\(2\)\(a\)](#); S.I. 2014/1820, art. 3(z)
- F34** Words in Sch. 2 para. 4(5) omitted (28.7.2014) by virtue of [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 2 para. 1\(2\)\(b\)](#); S.I. 2014/1820, art. 3(z)
- F35** Sch. 2 para. 4(6) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 2 para. 1\(3\)](#); S.I. 2014/1820, art. 3(z)
- F36** Sch. 2 para. 4(7)-(9) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\), ss. 13\(2\), 75\(3\)](#); S.I. 2014/1820, art. 3(l)

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

- C16** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by [S.I. 2000/2326, reg. 24\(2\)](#) (with [regs. 9, 28](#))  
 Sch. 2 para. 4 modified (18.7.2001) by [S.I. 2001/2590, art. 3](#)

- 5           The Secretary of State may by order made by statutory instrument make provision for <sup>F37</sup>requiring—
- (a) passengers] disembarking or embarking in the United Kingdom, or any class of such passengers, to produce to an immigration officer, if so required, landing or embarkation <sup>F38</sup>cards, and
- (b) passengers embarking in the United Kingdom, or any class of such passengers, to produce to a designated person, if so required, embarkation cards, in such form] as the Secretary of State may direct, and for requiring the owners or agents of ships and aircraft to supply such cards to those passengers.



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#### Textual Amendments

- F37** Word preceding and in Sch. 2 para. 5(a) substituted for words (28.7.2014) by [Immigration Act 2014 \(c. 22\), s. 75\(3\)](#), [Sch. 8 para. 4\(2\)](#); S.I. 2014/1820, art. 3(bb)
- F38** Sch. 2 para. 5(b) and surrounding words substituted for words (28.7.2014) by [Immigration Act 2014 \(c. 22\), s. 75\(3\)](#), [Sch. 8 para. 4\(3\)](#); S.I. 2014/1820, art. 3(bb)

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

- C17** Sch. 2 para. 5 modified (14.3.2003) by [The Nationality, Immigration and Asylum Act 2002 \(Commencement No. 4\) Order 2003 \(S.I. 2003/754\)](#), arts. 3, 4, [Sch. 2 para. 4\(6\)](#)

### *[<sup>F39</sup>Designated persons*

#### Textual Amendments

- F39** Sch. 2 para. 5A and cross-heading inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\), s. 75\(3\)](#), [Sch. 8 para. 5](#); S.I. 2014/1820, art. 3(bb)

- 5A (1) In this Schedule “designated person” means a person designated by the Secretary of State for the purposes of this Schedule.
- (2) A designation under this paragraph is subject to such limitations as may be specified in the designation.
- (3) A limitation under sub-paragraph (2) may, in particular, relate to the functions that are exercisable by virtue of the designation (and, accordingly, the exercise of functions under this Schedule by a designated person is subject to any such limitations specified in the person's designation).
- (4) A designation under this paragraph—
- may be permanent or for a specified period,
  - may (in either case) be withdrawn, and
  - may be varied.
- (5) The power to designate, or to withdraw or vary a designation, is exercised by the Secretary of State giving notice to the person in question.
- (6) The Secretary of State may designate a person under this paragraph only if the Secretary of State is satisfied that the person—
- is capable of effectively carrying out the functions that are exercisable by virtue of the designation,
  - has received adequate training in respect of the exercise of those functions, and
  - is otherwise a suitable person to exercise those functions.]

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*[<sup>F40</sup>Directions to carriers and operators of ports etc*

**Textual Amendments**

**F40** Sch. 2 para. 5B and cross-heading inserted (28.7.2014) by **Immigration Act 2014 (c. 22), s. 75(3), Sch. 8 para. 6; S.I. 2014/1820, art. 3(bb)**

- 5B (1) The Secretary of State may direct—
- (a) an owner or agent of a ship or aircraft, or
  - (b) a person concerned in the management of a port,
- to make arrangements for designated persons to exercise a specified function, or a function of a specified description, in relation to persons of a specified description.
- (2) A direction under this paragraph must specify—
- (a) the port where, and
  - (b) the date (or dates) and time (or times) when,
- a function is to be exercised under the arrangements.
- (3) A direction under this paragraph must be in writing.
- (4) A direction under this paragraph may specify a description of persons by reference, in particular, to—
- (a) the destination to which persons are travelling;
  - (b) the route by which persons are travelling;
  - (c) the date and time when the persons are travelling.
- (5) In this paragraph—
- “function” means a function under this Schedule;
- “specified” means specified in a direction under this paragraph.]

*Notice of leave to enter or of refusal of leave*

- 6 (1) Subject to sub-paragraph (3) below, where a person examined by an immigration officer under paragraph 2 above is to be given a limited leave to enter the United Kingdom or is to be refused leave, the notice giving or refusing leave shall be given not later than [<sup>F41</sup>twenty-four hours] after the conclusion of his examination (including any further examination) in pursuance of that paragraph; and if notice giving or refusing leave is not given him before the end of those [<sup>F41</sup>twenty-four hours], he shall (if not [<sup>F42</sup>a British citizen]) be deemed to have been given [<sup>F41</sup>leave to enter the United Kingdom for a period of six months subject to a condition prohibiting his taking employment] and the immigration officer shall as soon as may be give him written notice of that leave.
- (2) Where on a person’s examination under paragraph 2 above he is given notice of leave to enter the United Kingdom, then at any time before the end of [<sup>F43</sup>twenty-four hours] from the conclusion of the examination he may be given a further notice in writing by an immigration officer cancelling the earlier notice and refusing him leave to enter.
- (3) Where in accordance with this paragraph a person is given notice refusing him leave to enter the United Kingdom, that notice may at any time be cancelled by notice in writing given him by an immigration officer; and where a person is given a notice of

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cancellation under this sub-paragraph, [<sup>F44</sup> and the immigration officer does not at the same time give him indefinite or limited leave to enter [<sup>F45</sup> or require him to submit to further examination], he shall be deemed to have been given leave to enter for a period of six months subject to a condition prohibiting his taking employment and the immigration officer shall as soon as may be give him written notice of that leave.]

- (4) Where an entrant is a member of a party in charge of a person appearing to the immigration officer to be a responsible person, any notice to be given in relation to that entrant in accordance with this paragraph shall be duly given if delivered to the person in charge of the party.

#### Textual Amendments

- F41** Words substituted by [Immigration Act 1988 \(c. 14, SIF 62\), s. 10, Sch. paras. 7, 8\(1\)\(3\)](#) respectively  
**F42** Words substituted by [British Nationality Act 1981 \(c. 61\), s. 52\(7\), Sch. 4 para. 2](#) (with [Sch. 8 para. 8](#))  
**F43** Words substituted by [Immigration Act 1988 \(c. 14, SIF 62\), s. 10, Sch. para. 7](#)  
**F44** Words substituted by [Immigration Act 1988 \(c. 14, SIF 62\), s. 10, Sch. para. 8\(2\)\(3\)](#)  
**F45** Words in s. 6(3) inserted (8.1.2003) by [2002 c. 41, s. 119](#), (with s. 159); [S.I. 2002/2811, art. 2, Sch.](#)

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

- C18** Sch. 2 para. 6(2) applied (with modifications) by [S.I. 2006/1003, reg. 23A](#) (as inserted (6.4.2015) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2015 \(S.I. 2015/694\), reg. 2, Sch. 1 para. 9](#))  
**C19** Sch. 2 para. 6(2) applied (1.2.2017 for specified purposes) by [The Immigration \(European Economic Area\) Regulations 2016 \(S.I. 2016/1052\), regs. 1\(2\)\(b\), 31\(2\)\(a\)](#)  
**C20** Sch. 2 para. 6(3)(4) modified by [Immigration Act 1988 \(c. 14, SIF 62\), s. 8\(6\)](#)

*[<sup>F46</sup> Power to require medical examination after entry]*

#### Textual Amendments

- F46** Heading substituted (14.2.2000) by [1999 c. 33, s. 169\(1\), Sch. 14 paras. 43, 59](#); [S.I. 2000/168, art. 2, Sch.](#)

- <sup>F47</sup> (1) This paragraph applies if an immigration officer examining a person under paragraph 2 decides—
- that he may be given leave to enter the United Kingdom; but
  - that a further medical test or examination may be required in the interests of public health.
- (2) This paragraph also applies if an immigration officer examining a person under paragraph 2A decides—
- that his leave to enter the United Kingdom should not be cancelled; but
  - that a further medical test or examination may be required in the interests of public health.
- (3) The immigration officer may give the person concerned notice in writing requiring him—
- to report his arrival to such medical officer of health as may be specified in the notice; and
  - to attend at such place and time and submit to such test or examination (if any), as that medical officer of health may require.

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- (4) In reaching a decision under paragraph (b) of sub-paragraph (1) or (2), the immigration officer must act on the advice of—
- (a) a medical inspector; or
  - (b) if no medical inspector is available, a fully qualified medical practitioner.]

#### Textual Amendments

**F47** Sch. 2 para. 7 substituted (14.2.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, 59; S.I. 2000/168, art. 2, Sch. (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)

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

**C21** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by S.I. 2000/2326, reg. 24(2) (with regs. 9, 28)

**C22** Sch. 2 para. 7(1)(3)(4) modified (18.7.2001) by S.I. 2001/2590, art. 3

#### *Removal of persons refused leave to enter and illegal entrants*

- 8 (1) Where a person arriving in the United Kingdom is refused leave to enter, an immigration officer may, subject to sub-paragraph (2) below—
- (a) give the captain of the ship or aircraft in which he arrives directions requiring the captain to remove him from the United Kingdom in that ship or aircraft; or
  - (b) give the owners or agents of that ship or aircraft directions requiring them to remove him from the United Kingdom in any ship or aircraft specified or indicated in the directions, being a ship or aircraft of which they are the owners or agents; or
  - (c) give those owners or agents <sup>F48</sup> . . . directions requiring them to make arrangements for his removal from the United Kingdom in any ship or aircraft specified or indicated in the directions to a country or territory so specified, being either—
    - (i) a country of which he is a national or citizen; or
    - (ii) a country or territory in which he has obtained a passport or other document of identity; or
    - (iii) a country or territory in which he embarked for the United Kingdom; or
    - (iv) a country or territory to which there is reason to believe that he will be admitted.
- (2) No directions shall be given under this paragraph in respect of anyone after the expiration of two months beginning with the date on which he was refused leave to enter the United Kingdom [<sup>F49</sup>(ignoring any period during which an appeal by him under the Immigration Acts is pending)] [<sup>F50</sup>except that directions may be given under sub-paragraph (1)(b) or (c) after the end of that period if the immigration officer has within that period given written notice to the owners or agents in question of his intention to give directions to them in respect of that person].

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#### Textual Amendments

- F48** Words in Sch. 2 para. 8(1)(c) repealed (2.8.1993) by S.I. 1993/1813, art. 9(1), **Sch. 6 Pt. I**
- F49** Words in Sch. 2 para. 8(2) inserted (1.4.2003) by 2002 c. 41, s. 114, **Sch. 7 para. 4** (with s. 159); S.I. 2003/754, art. 2, **Sch. 1** (with transitional provisions in arts. 3, 4, Sch. 2 (as amended by S.I. 2003/1040 and S.I. 2003/1339))
- F50** Words inserted by **Immigration Act 1988** (c. 14, SIF 62), s. 10, **Sch. para. 9(1)(4)**

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

- C23** Sch. 2 para. 8 applied (2.10.2000 with application as mentioned in reg. 9 of the applying S.I.) by S.I. 2000/2326, **reg. 25(3)(a)**  
Sch. 2 para. 8 modified (18.7.2001) by S.I. 2001/2590, **art. 3**  
Sch. 2 para. 8 extended (14.12.2001) by 2001 c. 24, **ss. 22(2)(h)(3)**, 127(2)  
Sch. 2 para. 8 applied (with modifications) (17.7.2002) by S.I. 2002/1832, art. 2(2), **Sch.**
- C24** Sch. 2 para. 8 applied (with modifications) (31.1.2020) by **The Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020** (S.I. 2020/61), reg. 1(2), **Sch. 3 para. 2(1)(a)(2)**
- C25** Sch. 2 para. 8(2) amended (2.10.2000) by 1999 c. 33, s. 58(3), **Sch. 4 Pt. II para. 13**; S.I. 2000/2444, art. 2, **Sch. 1** (subject to transitional provisions in art. 3, Sch. 2 para. 2)
- C26** Sch. 2 para. 8(2) modified (2.10.2000 with application as mentioned in regs. 9, 28 of the modifying S.I.) by S.I. 2000/2326, **reg. 32(4)(7)** (as substituted (1.4.2003) for reg. 34(4)(10) by S.I. 2003/549, **reg. 2(8)** (with reg. 3))

- 9 <sup>F51</sup>(1) Where an illegal entrant is not given leave to enter or remain in the United Kingdom, an immigration officer may give any such directions in respect of him as in a case within paragraph 8 above are authorised by paragraph 8(1).
- <sup>F52</sup>(2) Any leave to enter the United Kingdom which is obtained by deception shall be disregarded for the purposes of this paragraph.]

#### Textual Amendments

- F51** Sch 2 para. 9 renumbered as 9(1) (1.10.1996) by 1996 c. 49, s. 12(1), **Sch. 2 para.6**; S.I. 1996/2053, art. 2, **Sch. Pt.III**
- F52** Sch. 2 para. 9(2) inserted (1.10.1996) by 1996 c. 49, s. 12(1), **Sch. 2 para.6**; S.I. 1996/2053, art. 2, **Sch. Pt.III**

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

- C27** Sch. 2 para. 9 extended (14.12.2001) by 2001 c. 24, **ss. 22(2)(h)(3)**, 127(2)  
Sch. 2 para. 9 modified (18.7.2001) by S.I. 2001/2590, **art. 3**  
Sch. 2 para. 9 applied (with modifications) (17.7.2002) by S.I. 2002/1832, art. 2(2), **Sch.**

- 10 (1) Where it appears to the Secretary of State either—
- (a) that directions might be given in respect of a person under paragraph 8 or 9 above, but that it is not practicable for them to be given or that, if given, they would be ineffective; or
- (b) that directions might have been given in respect of a person under paragraph 8 above <sup>F53</sup>but that the requirements of paragraph 8(2) have not been complied with];
- then the Secretary of State may give to the owners or agents of any ship or aircraft any such directions in respect of that person as are authorised by paragraph 8(1)(c).

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- (2) Where the Secretary of State may give directions for a person's removal in accordance with sub-paragraph (1) above, he may instead give directions for his removal in accordance with arrangements to be made by the Secretary of State to any country or territory to which he could be removed under sub-paragraph (1).
- (3) The costs of complying with any directions given under this paragraph shall be defrayed by the Secretary of State.

#### Textual Amendments

**F53** Words substituted by [Immigration Act 1988 \(c. 14, SIF 62\)](#), s. 10, **Sch. para. 9(2)(4)**

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

- C28** Sch. 2 para. 10 applied (2.10.2000) by [1999 c. 33, ss. 9\(4\), 10\(7\)](#); [S.I. 2000/2444](#), art. 2, **Sch. 1** (subject to transitional provisions in [art. 3, Sch. 2 para. 2](#)) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by [S.I. 2003/1252](#), art. 2, **Sch.**)  
 Sch. 2 para. 10 applied (2.10.2000) by [S.I. 2000/2326](#), **reg. 25(3)** (with regs. 9, 28)  
 Sch. 2 para. 10 extended (14.12.2001) by [2001 c. 24, ss. 22\(2\)\(h\)\(3\)](#), 127(2)
- C29** Sch. 2 para. 10 applied (with modifications) (31.1.2020) by [The Immigration \(Citizens' Rights Appeals\) \(EU Exit\) Regulations 2020 \(S.I. 2020/61\)](#), reg. 1(2), **Sch. 3 para. 2(1)(a)(2)**

- [<sup>F54</sup>10A Where directions are given in respect of a person under any of paragraphs 8 to 10 above, directions to the same effect may be given under that paragraph in respect of a member of the person's family.]

#### Textual Amendments

**F54** Sch. 2 para. 10A inserted (10.2.2003) by [2002 c. 41, s. 73\(1\)](#) (with s. 159); [S.I. 2003/1](#), **art. 2, Sch.**

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

- C30** Sch. 2 para. 10A applied (with modifications) (31.1.2020) by [The Immigration \(Citizens' Rights Appeals\) \(EU Exit\) Regulations 2020 \(S.I. 2020/61\)](#), reg. 1(2), **Sch. 3 para. 2(1)(a)(2)**

- 11 A person in respect of whom directions are given under any of paragraphs 8 to 10 above may be placed, under the authority of an immigration officer [<sup>F55</sup>or the Secretary of State], on board any ship or aircraft in which he is to be removed in accordance with the directions.

#### Textual Amendments

**F55** Words in Sch. 2 para. 11 inserted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 9 para. 1**; [S.I. 2014/2771](#), arts. 2(e), 4(g) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

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

- C31** Sch. 2 para. 11 applied (2.10.2000) by [Immigration and Asylum Act 1999 \(c. 33\)](#), ss. 9(4), 10(9)(a) (as substituted (20.10.2014) by [2014 c. 22, ss. 1, 75\(3\)](#); [S.I. 2014/2771](#), art. 2(a) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

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S.I. 2000/2444, art. 2, Sch. 1 (subject to transitional provisions in art. 3, Sch. 2 para. 2) (which amending provision was extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.) Sch. 2 para. 11 applied (2.10.2000) by S.I. 2000/2326, reg. 25(3) (with regs. 9, 28) Sch. 2 para. 11 applied (with modifications) (12.7.2002) by S.I. 2002/1832, art. 2(2), Sch.

### *Seamen and aircrews*

- 12 (1) If, on a person's examination by an immigration officer under paragraph 2 above, the immigration officer is satisfied that he has come to the United Kingdom for the purpose of joining a ship or aircraft as a member of the crew, then the immigration officer may limit the duration of any leave he gives that person to enter the United Kingdom by requiring him to leave the United Kingdom in a ship or aircraft specified or indicated by the notice giving leave.
- (2) Where a person (not being [<sup>F56</sup>a British citizen]) arrives in the United Kingdom for the purpose of joining a ship or aircraft as a member of the crew and, having been given leave to enter as mentioned in sub-paragraph (1) above, remains beyond the time limited by that leave, or is reasonably suspected by an immigration officer of intending to do so, an immigration officer may—
- (a) give the captain of that ship or aircraft directions requiring the captain to remove him from the United Kingdom in that ship or aircraft; or
  - (b) give the owners or agents of that ship or aircraft directions requiring them to remove him from the United Kingdom in any ship or aircraft specified or indicated in the directions, being a ship or aircraft of which they are the owners or agents; or
  - (c) give those owners or agents directions requiring them to make arrangements for his removal from the United Kingdom in any ship or aircraft specified or indicated in the directions to a country or territory so specified, being either—
    - (i) a country of which he is a national or citizen; or
    - (ii) a country or territory in which he has obtained a passport or other document of identity; or
    - (iii) a country or territory in which he embarked for the United Kingdom; or
    - (iv) a country or territory where he was engaged as a member of the crew of the ship or aircraft which he arrived in the United Kingdom to join; or
    - (v) a country or territory to which there is reason to believe that he will be admitted.

#### **Textual Amendments**

**F56** Words substituted by [British Nationality Act 1981 \(c. 61\), s. 52\(7\)](#), [Sch. 4 para. 2](#) (with [Sch. 8 para. 8](#))

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

**C32** Sch. 2 para. 12 extended (14.12.2001) by [2001 c. 24, ss. 22\(2\)\(h\)\(3\)](#), [127\(2\)](#)

- 13 (1) Where a person being a member of the crew of a ship or aircraft is examined by an immigration officer under paragraph 2 above, the immigration officer may limit the duration of any leave he gives that person to enter the United Kingdom—
- (a) in the manner authorised by paragraph 12(1) above; or

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- (b) if that person is to be allowed to enter the United Kingdom in order to receive hospital treatment, by requiring him, on completion of that treatment, to leave the United Kingdom in accordance with arrangements to be made for his repatriation; or
  - (c) by requiring him to leave the United Kingdom within a specified period in accordance with arrangements to be made for his repatriation.
- (2) Where a person (not being [<sup>F57</sup>a British citizen]) arrives in the United Kingdom as a member of the crew of a ship or aircraft, and either—
- (A) having lawfully entered the United Kingdom without leave by virtue of section 8(1) of this Act, he remains without leave beyond the time allowed by section 8(1), or is reasonably suspected by an immigration officer of intending to do so; or
  - (B) having been given leave limited as mentioned in subparagraph (1) above, he remains beyond the time limited by that leave, or is reasonably suspected by an immigration officer of intending to do so;
- an immigration officer may—
- (a) give the captain of the ship or aircraft in which he arrived directions requiring the captain to remove him from the United Kingdom in that ship or aircraft; or
  - (b) give the owners or agents of that ship or aircraft directions requiring them to remove him from the United Kingdom in any ship or aircraft specified or indicated in the directions, being a ship or aircraft of which they are the owners or agents; or
  - (c) give those owners or agents directions requiring them to make arrangements for his removal from the United Kingdom in any ship or aircraft specified or indicated in the directions to a country or territory so specified, being either—
    - (i) a country of which he is a national or citizen; or
    - (ii) a country or territory in which he has obtained a passport or other document of identity; or
    - (iii) a country in which he embarked for the United Kingdom; or
    - (iv) a country or territory in which he was engaged as a member of the crew of the ship or aircraft in which he arrived in the United Kingdom; or
    - (v) a country or territory to which there is reason to believe that he will be admitted.

#### **Textual Amendments**

**F57** Words substituted by [British Nationality Act 1981 \(c. 61\), s. 52\(7\)](#), [Sch. 4 para. 2](#) (with [Sch. 8 para. 8](#))

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

**C33** Sch. 2 para. 13 extended (14.12.2001) by [2001 c. 24, ss. 22\(2\)\(h\)\(3\)](#), [127\(2\)](#)

- 14 (1) Where it appears to the Secretary of State that directions might be given in respect of a person under paragraph 12 or 13 above, but that it is not practicable for them to be given or that, if given, they would be ineffective, then the Secretary of State may give to the owners or agents of any ship or aircraft any such directions in respect of that person as are authorised by paragraph 12(2)(c) or 13(2)(c).



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- (2) Where the Secretary of State may give directions for a person's removal in accordance with sub-paragraph (1) above, he may instead give directions for his removal in accordance with arrangements to be made by the Secretary of State to any country or territory to which he could be removed under sub-paragraph (1).
- (3) The costs of complying with any directions given under this paragraph shall be defrayed by the Secretary of State.

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

**C34** Sch. 2 para. 14 extended (14.12.2001) by [2001 c. 24, ss. 22\(2\)\(h\)\(3\), 127\(2\)](#)

- 15 A person in respect of whom directions are given under any of paragraphs 12 to 14 above may be placed, under the authority of an immigration officer, on board any ship or aircraft in which he is to be removed in accordance with the directions.

*<sup>F58</sup>Search of premises in connection with removal*

**Textual Amendments**

**F58** Sch. 2 para. 15A inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\), ss. 46\(3\), 94\(1\); S.I. 2016/603, reg. 3\(g\)](#)

- 15A (1) This paragraph applies if—
- (a) an immigration officer is lawfully on any premises, and
  - (b) a person who is liable to be detained under paragraph 16(2) is on the premises.
- (2) The immigration officer may search the premises for documents which—
- (a) relate to the person, and
  - (b) may be evidence for a ground on which the person's leave to enter or remain in the United Kingdom may be curtailed.
- (3) The power may be exercised—
- (a) only if the immigration officer has reasonable grounds for believing there are documents within sub-paragraph (2) on the premises, and
  - (b) only to the extent that it is reasonably required for the purpose of discovering such documents.
- (4) An immigration officer searching premises under this paragraph may seize any document the officer finds which the officer has reasonable grounds for believing is a document within sub-paragraph (2).
- (5) Sub-paragraph (6) applies where—
- (a) an immigration officer is searching premises under this paragraph, and
  - (b) any document the officer has reasonable grounds for believing is a document within sub-paragraph (2) is stored in any electronic form and is accessible from the premises.

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- (6) The immigration officer may require the document to be produced in a form in which it can be taken away and in which it is visible and legible or from which it can readily be produced in a visible and legible form.
- (7) If a requirement under sub-paragraph (6) is not complied with or a document to which that sub-paragraph applies cannot be produced in a form of the kind mentioned in that sub-paragraph, the immigration officer may seize the device or medium on which it is stored.
- (8) But sub-paragraphs (4) to (7) do not apply to a document which the immigration officer has reasonable grounds for believing is an item subject to legal privilege.
- (9) An immigration officer may retain a document seized under this paragraph while—
  - (a) the person to whom the document relates is liable to be detained under paragraph 16(2), and
  - (b) the document falls within sub-paragraph (2)(b).
- (10) But a document may not be retained for the purpose mentioned in sub-paragraph (9) if a photograph or copy would be sufficient for that purpose.]

*Detention of persons liable to examination or removal*

- 16 (1) A person who may be required to submit to examination under paragraph 2 above may be detained under the authority of an immigration officer pending his examination and pending a decision to give or refuse him leave to enter.
- [<sup>F59</sup>(1A) A person whose leave to enter has been suspended under paragraph 2A may be detained under the authority of an immigration officer pending—
  - (a) completion of his examination under that paragraph; and
  - (b) a decision on whether to cancel his leave to enter.]
  - [<sup>F60</sup>(1B) A person who has been required to submit to further examination under paragraph 3(1A) may be detained under the authority of an immigration officer, for a period not exceeding 12 hours, pending the completion of the examination.]
  - [<sup>F61</sup>(2) If there are reasonable grounds for suspecting that a person is someone in respect of whom directions may be given under any of paragraphs [<sup>F62</sup>8 to 10A] or 12 to 14, that person may be detained under the authority of an immigration officer pending—
    - (a) a decision whether or not to give such directions;
    - (b) his removal in pursuance of such directions.]
    - [<sup>F63</sup>(2A) But the detention of an unaccompanied child under sub-paragraph (2) is subject to paragraph 18B.]
    - [<sup>F64</sup>(2B) The detention under sub-paragraph (2) of a person to whom section 60 (limitation on detention of pregnant women) of the Immigration Act 2016 applies is subject to that section.]
    - (3) A person on board a ship or aircraft may, under the authority of an immigration officer, be removed from the ship or aircraft for detention under this paragraph; but if an immigration officer so requires the captain of a ship or aircraft shall prevent from disembarking in the United Kingdom any person who has arrived in the United Kingdom in the ship or aircraft and been refused leave to enter, and the captain may for that purpose detain him in custody on board the ship or aircraft.

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- (4) The captain of a ship or aircraft, if so required by an immigration officer, shall prevent from disembarking in the United Kingdom or before the directions for his removal have been fulfilled any person placed on board the ship or aircraft under paragraph 11 or 15 above, and the captain may for that purpose detain him in custody on board the ship or aircraft.

<sup>F65</sup>(4A) . . . . .

#### Textual Amendments

- F59** Sch. 2 para. 16(1A) inserted (14.2.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, 60; S.I. 2000/168, art. 2, Sch. 1 (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)
- F60** Sch. 2 para. 16(1B) inserted (31.8.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), s. 42(3); S.I. 2006/2226, art. 3, Sch. 1 (subject to transitional provisions in art. 4)
- F61** Sch. 2 para. 16(2) substituted (11.11.1999) by 1999 c. 33, ss. 140(1), 170(3) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)
- F62** Words in Sch. 2 para. 16(2) substituted (10.2.2003) by 2002 c. 41, s. 73(5) (with s. 159); S.I. 2003/1, art. 2, Sch.
- F63** Sch. 2 para. 16(2A) inserted (28.7.2014) by Immigration Act 2014 (c. 22), ss. 5(2), 75(3); S.I. 2014/1820, art. 3(d)
- F64** Sch. 2 para. 16(2B) inserted (12.7.2016) by Immigration Act 2016 (c. 19), ss. 60(10), 94(1); S.I. 2016/603, reg. 3(m)
- F65** Sch. 2 para. 16(4A) repealed by S.I. 1993/1813, art. 9(1), Sch. 6 Pt. I

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

- C35** Sch. 2 para. 16 applied (2.10.2000) by Immigration and Asylum Act 1999 (c. 33), s. 9(4), 10 (as substituted (20.10.2014) by c. 22, ss. 1, 75(3); S.I. 2014/2771, art. 2(a) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9)); S.I. 2000/2444, art. 2, Sch. 1 (subject to transitional provisions in art. 3, Sch. 2 para. 2) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)
- Sch. 2 para. 16 extended (14.12.2001) by 2001 c. 24, ss. 23(2)(a), 127(2)
- C36** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by S.I. 2000/2326, reg. 24(2) (with regs. 9, 28)
- Sch. 2 para. 16 applied (2.10.2000) by S.I. 2000/2326, reg. 25(3)(a) (with regs. 9, 28)
- C37** Sch. 2 para. 16(2)-(4) applied by 1999 c. 33, s. 10(9)(b) (as substituted (20.10.2014) by Immigration Act 2014 (c. 22), ss. 1, 75(3); S.I. 2014/2771, art. 2(a) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9)))

- 17 (1) A person liable to be detained under paragraph 16 above may be arrested without warrant by a constable or by an immigration officer.
- (2) If—
- (a) a justice of the peace is by written information on oath satisfied that there is reasonable ground for suspecting that a person liable to be arrested under this paragraph is to be found on any premises; or
- (b) in Scotland, a sheriff, or a <sup>F66</sup>. . . justice of the peace, having jurisdiction in the place where the premises are situated is by evidence on oath so satisfied;

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he may grant a warrant [<sup>F67</sup>authorising any immigration officer or constable to enter], [<sup>F68</sup>if need be by reasonable force], the premises named in the warrant for the purpose of searching for and arresting that person.

- [<sup>F69</sup>(3) Sub-paragraph (4) applies where an immigration officer or constable—
- (a) enters premises in reliance on a warrant under sub-paragraph (2), and
  - (b) detains a person on the premises.
- (4) A detainee custody officer may enter the premises, if need be by reasonable force, for the purpose of carrying out a search.
- (5) In sub-paragraph (4)—
- “detainee custody officer” means a person in respect of whom a certificate of authorisation is in force under section 154 of the Immigration and Asylum Act 1999 (c. 33) (detained persons: escort and custody), and
- “search” means a search under paragraph 2(1)(a) of Schedule 13 to that Act (escort arrangements: power to search detained person).]

#### Textual Amendments

- F66** Words in Sch. 2 para. 17(2)(b) repealed (1.10.1996) by 1996 c. 49, s. 12(1)(3), Sch. 2 para. 7, Sch. 4; S.I. 1996/2053, art. 2, Sch. Pt. III
- F67** Words in Sch. 2 para. 17(2) substituted (11.11.1999) by 1999 c. 33, ss. 140(2), 170(3) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)
- F68** Words in Sch. 2 para. 17(2) substituted (10.2.2003) by 2002 c. 41, s. 63 (with s. 159); S.I. 2003/1, art. 2, Sch.
- F69** Sch. 2 para. 17(3)-(5) inserted (10.2.2003) by 2002 c. 41, s. 64 (with s. 159); S.I. 2003/1, art. 2, Sch.

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

- C38** Sch. 2 para. 17 applied (2.10.2000) by 1999 c. 33, ss. 9(4), 10(7); S.I. 2000/2444, art. 2, Sch. 1 (subject to transitional provisions in art. 3, Sch. 2 para. 2) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)
- C39** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by S.I. 2000/2326, reg. 24(2) (with regs. 9, 28)
- Sch. 2 para. 17 applied (2.10.2000) by S.I. 2000/2326, reg. 25(3)(a) (with regs. 9, 28)
- C40** Sch. 2 para. 17 applied by The Immigration (European Economic Area) Regulations 2006 (S.I. 2006/1003), reg. 24(1) (as substituted (1.6.2009) by The Immigration (European Economic Area) (Amendment) Regulations 2009 (S.I. 2009/1117), reg. 2, Sch. 1 para. 10(a))
- C41** Sch. 2 para. 17 applied by 1999 c. 33, s. 10(9)(c) (as substituted (20.10.2014) by Immigration Act 2014 (c. 22), ss. 1, 75(3); S.I. 2014/2771, art. 2(a) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9)))
- C42** Sch. 2 para. 17 applied (1.2.2017 for specified purposes) by The Immigration (European Economic Area) Regulations 2016 (S.I. 2016/1052), regs. 1(2)(b), 32(1), 40(7), 41(7)
- C43** Sch. 2 para. 17(1) amended (2.8.1993) by S.I. 1993/1813, arts. 6, 1, Sch. 3 Pt. 1 para. 2(2)(a); Sch. 2 para. 17 amended by the said S.I. 1993/1813, arts. 6, 7, Sch. 3 para. 2, Sch. 4 as incorporated (with modifications) (1.12.1997) by S.I. 1994/1405, arts. 6, 8, Sch. 3 para. 3, Sch. 4 para. 11 Table

- 18 (1) Persons may be detained under paragraph 16 above in such places as the Secretary of State may direct (when not detained in accordance with paragraph 16 on board a ship or aircraft).

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[<sup>F70</sup>(1A) But the detention of an unaccompanied child under paragraph 16(2) is subject to paragraph 18B.]

(2) Where a person is detained [<sup>F71</sup>or liable to be detained] under paragraph 16, any immigration officer, constable or prison officer, or any other person authorised by the Secretary of State, may take all such steps as may be reasonably necessary for photographing, measuring or otherwise identifying him.

[<sup>F72</sup>(2A) The power conferred by sub-paragraph (2) includes power to take [<sup>F73</sup>biometric information (within the meaning given by section 15 of the UK Borders Act 2007)].]

[<sup>F74</sup>(2B) Paragraph 4(7) to (9) applies to sub-paragraph (2) as it applies to paragraph 4(5).]

(3) Any person detained under paragraph 16 may be taken in the custody of a constable, [<sup>F75</sup>an immigration officer, or] any person acting under the authority of an immigration officer, to and from any place where his attendance is required for the purpose of ascertaining his citizenship or nationality or of making arrangements for his admission to a country or territory other than the United Kingdom, or where he is required to be for any other purpose connected with the operation of this Act.

(4) A person shall be deemed to be in legal custody at any time when he is detained under paragraph 16 or is being removed in pursuance of sub-paragraph (3) above.

#### Textual Amendments

- F70** Sch. 2 para. 18(1A) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 5(3)**, 75(3); S.I. 2014/1820, [art. 3\(d\)](#)
- F71** Words in Sch. 2 para. 18(2) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 9**, 75(3); S.I. 2014/1820, [art. 3\(h\)](#)
- F72** Sch. 2 para. 18(2A) inserted (11.12.2000) by [1999 c. 33, s. 169\(1\)](#), [Sch. 14 paras. 43, 61](#); S.I. 2000/3099, [art. 2](#), [Sch.](#) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, [art. 2](#), [Sch.](#))
- F73** Words in Sch. 2 para. 18(2A) substituted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), [s. 75\(3\)](#), **Sch. 2 para. 1(4)**; S.I. 2014/1820, [art. 3\(z\)](#)
- F74** Sch. 2 para. 18(2B) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 13(3)**, 75(3); S.I. 2014/1820, [art. 3\(l\)](#)
- F75** Words in Sch. 2 para. 18(3) substituted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), [s. 75\(3\)](#), **Sch. 1 para. 1**; S.I. 2014/1820, [art. 3\(y\)](#)

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

- C44** Sch. 2 para. 18 applied (2.10.2000) by [Immigration and Asylum Act 1999 \(c. 33\)](#), [ss. 9\(4\)](#), 10 (as substituted (20.10.2014) by [2014 c. 22](#), **ss. 1**, 75(3); S.I. 2014/2771, [art. 2\(a\)](#) (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, [arts. 1\(2\)\(3\)](#), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, [art. 2](#) (which S.I. is revoked (6.4.2015) by S.I. 2015/371, [arts. 1\(3\)](#), 9)); S.I. 2000/2444, [art. 2](#), [Sch. 1](#) (subject to transitional provisions in [art. 3](#), [Sch. 2 para. 2](#)) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, [art. 2](#), [Sch.](#))
- C45** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by S.I. 2000/2326, **reg. 24(2)** (with [regs. 9, 28](#))  
Sch. 2 para. 18 applied (2.10.2000) by S.I. 2000/2326, **reg. 25(3)(a)** (with [regs. 9, 28](#))
- C46** Sch. 2 para. 18 applied by [The Immigration \(European Economic Area\) Regulations 2006 \(S.I. 2006/1003\)](#), [reg. 24\(1\)](#) (as substituted (1.6.2009) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2009 \(S.I. 2009/1117\)](#), [reg. 2](#), **Sch. 1 para. 10(a)**)

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**C47** Sch. 2 paras. 16-18A applied (with modifications) (31.1.2020) by [The Immigration \(Citizens' Rights Appeals\) \(EU Exit\) Regulations 2020 \(S.I. 2020/61\)](#), reg. 1(2), **Sch. 3 para. 2(1)(a)(2)**

- [<sup>F76</sup>18A(1) An immigration officer or constable may search a person (“P”) who is detained under paragraph 16 for anything which P might use—
- (a) to cause physical injury to P or others, or
  - (b) to assist P's escape from legal custody.
- (2) The power to search P—
- (a) unless sub-paragraph (3) applies, does not include power to require P to remove any clothing other than an outer coat, jacket or glove, but
  - (b) includes power to require P to open P's mouth.
- (3) This sub-paragraph applies if an immigration officer or constable has reasonable grounds to believe that there is concealed on P anything which P might use as mentioned in sub-paragraph (1).
- (4) The power to search P may be exercised only to the extent reasonably required for the purpose of discovering anything which P might use as mentioned in sub-paragraph (1).
- (5) An intimate search (as defined in section 28H(11)) may not be conducted under this paragraph.
- (6) An immigration officer or constable may seize and retain anything found on a search of P if the officer or constable has reasonable grounds to believe P might use it as mentioned in sub-paragraph (1).
- (7) Nothing seized under sub-paragraph (6) may be retained when P is released from detention under paragraph 16.]

#### Textual Amendments

**F76** Sch. 2 para. 18A inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 1 para. 2(1)**; [S.I. 2014/1820](#), art. 3(y)

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

**C48** Sch. 2 para. 18A applied by [Immigration and Asylum Act 1999 \(c. 33\)](#), s. 10(9)(e) (as substituted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 1, 75(3)**; [S.I. 2014/2771](#), art. 2(a) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9)))

**C49** Sch. 2 para. 18A applied (1.2.2017 for specified purposes) by [The Immigration \(European Economic Area\) Regulations 2016 \(S.I. 2016/1052\)](#), regs. 1(2)(b), **32(1)**

- [<sup>F77</sup>18B(1) Where a person detained under paragraph 16(2) is an unaccompanied child, the only place where the child may be detained is a short-term holding facility, except where—
- (a) the child is being transferred to or from a short-term holding facility, or
  - (b) sub-paragraph (3) of paragraph 18 applies.
- (2) An unaccompanied child may be detained under paragraph 16(2) in a short-term holding facility for a maximum period of 24 hours, and only for so long as the following two conditions are met.
- (3) The first condition is that—

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- (a) directions are in force that require the child to be removed from the short-term holding facility within the relevant 24 hour period, or
  - (b) a decision on whether or not to give directions is likely to result in such directions.
- (4) The second condition is that the immigration officer under whose authority the child is being detained reasonably believes that the child will be removed from the short-term holding facility within the relevant 24 hour period in accordance with those directions.
- (5) An unaccompanied child detained under paragraph 16(2) who has been removed from a short-term holding facility and detained elsewhere may be detained again in a short-term holding facility but only if, and for as long as, the relevant 24 hour period has not ended.
- (6) An unaccompanied child who has been released following detention under paragraph 16(2) may be detained again in a short-term holding facility in accordance with this paragraph.
- (7) In this paragraph—
- “relevant 24 hour period”, in relation to the detention of a child in a short-term holding facility, means the period of 24 hours starting when the child was detained (or, in a case falling within sub-paragraph (5), first detained) in a short-term holding facility;
  - “short-term holding facility” has the same meaning as in Part 8 of the Immigration and Asylum Act 1999;
  - “unaccompanied child” means a person—
    - (a) who is under the age of 18, and
    - (b) who is not accompanied (whilst in detention) by his or her parent or another individual who has care of him or her.]

#### Textual Amendments

**F77** Sch. 2 para. 18B inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 5(4), 75(3)**; [S.I. 2014/1820](#), [art. 3\(d\)](#)

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

**C50** Sch. 2 para. 18B applied by [Immigration and Asylum Act 1999 \(c. 33\)](#), s. 10(9)(f) (as substituted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 1, 75(3)**; [S.I. 2014/2771](#), [art. 2\(a\)](#) (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), [arts. 1\(2\)\(3\), 7, 8](#); and with transitional provisions and savings in [S.I. 2014/2928](#), [art. 2](#) (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), [arts. 1\(3\), 9](#)))

- 19 (1) Where a person is refused leave to enter the United Kingdom and directions are given in respect of him under paragraph 8 or 10 above, then subject to the provisions of this paragraph the owners or agents of the ship or aircraft in which he arrived <sup>F78</sup> . . . shall be liable to pay the Secretary of State on demand any expenses incurred by the latter in respect of the custody, accommodation or maintenance of that person [<sup>F79</sup> for any period (not exceeding 14 days)] after his arrival while he was detained or liable to be detained under paragraph 16 above.
- (2) Sub-paragraph (1) above shall not apply to expenses in respect of a person who, when he arrived in the United Kingdom, held a [<sup>F80</sup> certificate of entitlement] or a

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current entry clearance or was the person named in a current work permit; and for this purpose a document purporting to be a [<sup>F80</sup>certificate of entitlement], entry clearance or work permit is to be regarded as being one unless its falsity is reasonably apparent.

- (3) If, before the directions for a person's removal under paragraph 8 or 10 above have been carried out, he is given leave to enter the United Kingdom, or if he is afterwards given that leave in consequence of the determination in his favour of an appeal under this Act (being an appeal against a refusal of leave to enter by virtue of which the directions were given), or it is determined on an appeal under this Act that he does not require leave to enter (being an appeal occasioned by such a refusal), no sum shall be demanded under subparagraph (1) above for expenses incurred in respect of that person and any sum already demanded and paid shall be refunded.
- (4) Sub-paragraph (1) above shall not have effect in relation to directions which, in consequence of an appeal under this Act, have ceased to have effect or are for the time being of no effect; and the expenses to which that sub-paragraph applies include expenses in conveying the person in question to and from the place where he is detained or accommodated unless the journey is made for the purpose of attending an appeal by him under this Act.

#### Textual Amendments

- F78** Words in Sch. 2 para. 19(1) repealed (2.8.1993) by S.I. 1993/1813, art. 9(1), **Sch. 6 Pt. I**
- F79** Words in Sch. 2 para. 19(1) substituted (1.9.1996) by 1996 c. 49, s. 12(1), **Sch. 2 para.8**; S.I. 1996/2053, art. 2, **Sch. Pt.II**
- F80** Words substituted by **British Nationality Act 1981 (c. 61)**, s. 52(7), **Sch. 4 para. 3(1)** (with Sch. 8 para. 8)

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

- C51** Sch. 2 para. 19 applied (with modifications) (2.10.2000) by S.I. 2000/2326, **reg. 25(3)(b)** (with **regs. 9, 28**)
- C52** Sch. 2 para. 19 applied by **Immigration and Asylum Act 1999 (c. 33)**, s. 10(9)(g) (as substituted (20.10.2014) by **Immigration Act 2014 (c. 22)**, ss. 1, 75(3); S.I. 2014/2771, art. 2(a) (with **arts. 9-11**) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, **art. 2** (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9)))

- 20 (1) Subject to the provisions of this paragraph, in either of the following cases, that is to say,—
- (a) where directions are given in respect of an illegal entrant under paragraph 9 or 10 above; and
- (b) where a person has lawfully entered the United Kingdom without leave by virtue of section 8(1) of this Act, but directions are given in respect of him under paragraph 13(2)(A) above or, in a case within paragraph 13(2)(A), under paragraph 14;

the owners or agents of the ship or aircraft in which he arrived in the United Kingdom <sup>F81</sup> . . . shall be liable to pay the Secretary of State on demand any expenses incurred by the latter in respect of the custody, accommodation or maintenance of that person [<sup>F82</sup>for any period (not exceeding 14 days)] after his arrival while he was detained or liable to be detained under paragraph 16 above.

- <sup>F83</sup>[(1A) Sub-paragraph (1) above shall not apply to expenses in respect of an illegal entrant if he obtained leave to enter by deception and the leave has not been cancelled under paragraph 6(2) above.]



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- (2) If, before the directions for a person's removal from the United Kingdom have been carried out, he is given leave to remain in the United Kingdom, no sum shall be demanded under sub-paragraph (1) above for expenses incurred in respect of that person and any sum already demanded and paid shall be refunded.
- (3) Sub-paragraph (1) above shall not have effect in relation to directions which, in consequence of an appeal under this Act, are for the time being of no effect; and the expenses to which that sub-paragraph applies include expenses in conveying the person in question to and from the place where he is detained or accommodated unless the journey is made for the purpose of attending an appeal by him under this Act.

#### Textual Amendments

- F81** Words in Sch. 2 para. 20(1) repealed (2.8.1993) by [S.I. 1993/1813](#) art. 9(1), Sch. 6 Pt. I
- F82** Words in Sch. 2 para. 20(1) substituted (1.9.1996) by [1996 c. 49, s. 12\(1\)](#), [Sch. 2 para. 9\(1\)](#); [S.I. 1996/2053, art. 2](#), [Sch. Pt. II](#)
- F83** Sch. 2 para. 20(1A) inserted (1.9.1996) by [1996 c. 49, s. 12\(1\)](#), [Sch. 2 para. 9\(2\)](#); [S.I. 1996/2053, art. 2](#), [Sch. Pt. II](#)

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

- C53** Sch. 2 para. 20 applied by [Immigration and Asylum Act 1999 \(c. 33\), s. 10\(9\)\(g\)](#) (as substituted (20.10.2014) by [Immigration Act 2014 \(c. 22\), ss. 1, 75\(3\)](#); [S.I. 2014/2771, art. 2\(a\)](#) (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371, arts. 1\(2\)\(3\), 7, 8](#); and with transitional provisions and savings in [S.I. 2014/2928, art. 2](#) (which S.I. is revoked (6.4.2015) by [S.I. 2015/371, arts. 1\(3\), 9](#)))
- C54** Sch. 2 para. 20(1) restricted (10.6.1991) by [Criminal Justice \(International Co-operation\) Act 1990 \(c. 5, SIF 39:1\), s. 6\(6\)\(b\)](#); [S.I. 1991/1072, art. 2](#), [Sch. Pt. I](#)

#### *Temporary admission or release of persons liable to detention*

- 21 (1) A person liable to detention or detained under paragraph 16 [<sup>F84</sup>(1), (1A) or (2)] above may, under the written authority of an immigration officer, be temporarily admitted to the United Kingdom without being detained or be released from detention; but this shall not prejudice a later exercise of the power to detain him.
- (2) So long as a person is at large in the United Kingdom by virtue of this paragraph, he shall be subject to such restrictions as to residence [<sup>F85</sup>, as to his employment or occupation] and as to reporting to the police or an immigration officer as may from time to time be notified to him in writing by an immigration officer.
- [<sup>F86</sup>(2A) The provisions that may be included in restrictions as to residence imposed under sub-paragraph (2) include provisions of such a description as may be prescribed by regulations made by the Secretary of State.
- (2B) The regulations may, among other things, provide for the inclusion of provisions—
- (a) prohibiting residence in one or more particular areas;
  - (b) requiring the person concerned to reside in accommodation provided under section 4 of the Immigration and Asylum Act 1999 and prohibiting him from being absent from that accommodation except in accordance with the restrictions imposed on him.

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- (2C) The regulations may provide that a particular description of provision may be imposed only for prescribed purposes.
- (2D) The power to make regulations conferred by this paragraph is exercisable by statutory instrument and includes a power to make different provision for different cases.
- (2E) But no regulations under this paragraph are to be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.]
- <sup>F87</sup>[(3) Sub-paragraph (4) below applies where a person who is at large in the United Kingdom by virtue of this paragraph is subject to a restriction as to reporting to an immigration officer with a view to the conclusion of his examination under paragraph 2 [<sup>F88</sup>or 2A]] above.
- (4) If the person fails at any time to comply with that restriction—
- (a) an immigration officer may direct that the person's examination <sup>F89</sup>. . . shall be treated as concluded at that time; but
  - (b) nothing in paragraph 6 above shall require the notice giving or refusing him leave to enter the United Kingdom to be given within twenty-four hours after that time.

#### Textual Amendments

- F84** Words in Sch. 2 para. 21(1) inserted (31.8.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\), s. 42\(4\)](#); [S.I. 2006/2226, art. 3, Sch. 1](#) (subject to transitional provisions in art. 4)
- F85** Words inserted by [Immigration Act 1988 \(c. 14, SIF 62\), s. 10, Sch. para. 10\(1\)\(4\)](#)
- F86** Sch. 2 para. 21(2A)-(2E) inserted (11.11.1999) by [1999 c. 33, ss. 169\(1\), 170\(3\), Sch. 14 paras. 43, 62\(2\)](#) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by [S.I. 2003/1252, art. 2, Sch.](#))
- F87** Sch. 2 para. 21(3)(4) inserted (1.9.1996) by [1996 c. 49, s. 12\(1\), Sch. 2 para. 10](#); [S.I. 1996/2053, art. 2, Sch. Pt. II](#)
- F88** Words in Sch. 2 para. 21(3) inserted (14.2.2000) by [1999 c. 33, s. 169\(1\), Sch. 14 paras. 43, 62\(3\)](#); [S.I. 2000/168, art. 2, Sch.](#) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by [S.I. 2003/1252, art. 2, Sch.](#))
- F89** Words in Sch. 2 para. 21(4)(a) repealed (14.2.2000) by [1999 c. 33, s. 169\(1\)\(3\), Sch. 14 paras. 43, 62\(4\), Sch. 16](#); [S.I. 2000/168, art. 2, Sch.](#) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by [S.I. 2003/1252, art. 2, Sch.](#))

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

- C55** Sch. 2 para. 21 applied (14.2.2000) by [1999 c. 33, ss. 9\(4\), 10](#) (as substituted (20.10.2014) by [2014 c. 22, ss. 1, 75\(3\)](#); [S.I. 2014/2771, art. 2\(a\)](#) (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371, arts. 1\(2\)\(3\), 7, 8](#); and with transitional provisions and savings in [S.I. 2014/2928, art. 2](#) (which S.I. is revoked (6.4.2015) by [S.I. 2015/371, arts. 1\(3\), 9](#))); [S.I. 2000/2444, art. 2, Sch. 1](#) (subject to transitional provisions in [art. 3, Sch. 2 para. 2](#)) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by [S.I. 2003/1252, art. 2, Sch.](#))  
 Sch. 2 para. 21 modified (18.7.2001) by [S.I. 2001/2590, art. 3](#)
- C56** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by [S.I. 2000/2326, reg. 24\(2\)](#) (with [regs. 9, 28](#))  
 Sch 2 para. 21 applied (2.10.2000) by [S.I. 2000/2326, reg. 25\(3\)\(a\)](#) (with [regs. 9, 28](#))
- C57** Sch. 2 para. 21 extended (10.2.2003) by [2002 c. 41, s. 71\(2\)](#) (with [s. 159](#)); [S.I. 2003/1, art. 2, Sch.](#)

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- 22 <sup>F90</sup>[(1) The following, namely—
- (a) a person detained under paragraph 16(1) above pending examination;
  - [ a person detained under paragraph 16(1A) above pending completion of his
  - <sup>F91</sup>(aa) examination or a decision on whether to cancel his leave to enter;] and
  - (b) a person detained under paragraph 16(2) above pending the giving of directions,
- may be released on bail in accordance with this paragraph.
- (1A) An immigration officer not below the rank of chief immigration officer or [<sup>F92</sup>the First-tier Tribunal] may release a person so detained on his entering into a recognizance or, in Scotland, bail bond conditioned for his appearance before an immigration officer at a time and place named in the recognizance or bail bond or at such other time and place as may in the meantime be notified to him in writing by an immigration officer.
- (1B) Sub-paragraph (1)(a) above shall not apply unless seven days have elapsed since the date of the person's arrival in the United Kingdom.]
- (2) The conditions of a recognizance or bail bond taken under this paragraph may include conditions appearing to the [<sup>F93</sup>immigration officer or [<sup>F92</sup>the First-tier Tribunal]] to be likely to result in the appearance of the person bailed at the required time and place; and any recognizance shall be with or without sureties as the [<sup>F93</sup>officer or [<sup>F92</sup>the First-tier Tribunal]] may determine.
- (3) In any case in which an [<sup>F94</sup>immigration officer or [<sup>F92</sup>the First-tier Tribunal]] has power under this paragraph to release a person on bail, the [<sup>F94</sup>officer or [<sup>F92</sup>the First-tier Tribunal]] may, instead of taking the bail, fix the amount and conditions of the bail (including the amount in which any sureties are to be bound) with a view to its being taken subsequently by any such person as may be specified by the [<sup>F94</sup>officer or [<sup>F92</sup>the First-tier Tribunal]] ; and on the recognizance or bail bond being so taken the person to be bailed shall be released.
- <sup>F95</sup>(4) A person must not be released on bail in accordance with this paragraph without the consent of the Secretary of State if—
- (a) directions for the removal of the person from the United Kingdom are for the time being in force, and
  - (b) the directions require the person to be removed from the United Kingdom within the period of 14 days starting with the date of the decision on whether the person should be released on bail.]

#### Textual Amendments

- F90** Sch. 2 para. 22(1)(1A)(1B) substituted (1.9.1996) for para. 22(1) by 1996 c. 49, s. 12(1), **Sch. 2 para. 11(1)**; S.I. 1996/2053, art. 2, **Sch. Pt. II**
- F91** Sch. 2 para. 22(1)(aa) inserted (14.2.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, **63**; S.I. 2000/168, art. 2, **Sch**
- F92** Words in Sch. 2 para. 22(1A)(2)(3) substituted (15.2.2010) by **The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21)**, art. 1, **Sch. 1 para. 2** (with Sch. 4)
- F93** Words in Sch. 2 para. 22(2) substituted (1.9.1996) by 1996 c. 49, s. 12(1), **Sch. 2 para. 11(2)**; S.I. 1996/2053, art. 2, **Sch. Pt. II**
- F94** Words in Sch. 2 para. 22(3) substituted (1.9.1996) by 1996 c. 49, s. 12(1), **Sch. 2 para. 11(3)**; S.I. 1996/2053, art. 2, **Sch. Pt. II**

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**F95** Sch. 2 para. 22(4) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 7(2), 75(3)**; S.I. 2014/1820, art. 3(f)

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

**C58** Sch. 2 para. 22 modified (retrospectively and temp.) by [Immigration Act 2016 \(c. 19\)](#), **ss. 61(3)-(5), 94(3)** (with s. 61(6))

**C59** Sch. 2 para. 22 modified (3.8.1998) by [1997 c. 68, s. 3, Sch. 3 para. 1](#); S.I. 1998/1892, **art. 2**

**C60** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by S.I. 2000/2326, **reg. 24(2)** (with **regs. 9, 28**)

Sch. 2 para. 22 applied (2.10.2000) by S.I. 2000/2326, **reg. 25(3)(a)** (with **regs. 9, 28**)

**C61** Sch. 2 paras. 22-25 applied by Immigration and Asylum Act 1999 (c. 33), s. 10(9)(i) (as substituted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 1, 75(3)**; S.I. 2014/2771, **art. 2(a)** (with **arts. 9-11**) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9)))

**C62** Sch. 2 para. 22(1A)(2)(3) applied (with modifications) (14.12.2001) by [2001 c. 24, ss. 24\(2\)\(a\), 127\(2\)](#)

23 (1) Where a recognizance entered into under paragraph 22 above appears to [<sup>F96</sup>the First-tier Tribunal] to be forfeited, [<sup>F96</sup>the First-tier Tribunal] may by order declare it to be forfeited and adjudge the persons bound thereby, whether as principal or sureties, or any of them, to pay the sum in which they are respectively bound or such part of it, if any, as [<sup>F96</sup>the First-tier Tribunal] thinks fit; and an order under this sub-paragraph shall specify a magistrates' court or, in Northern Ireland, court of summary jurisdiction, and—

- (a) the recognizance shall be treated for the purposes of collection, enforcement and remission of the sum forfeited as having been forfeited by the court so specified; and
- (b) the [<sup>F96</sup>the First-tier Tribunal] shall, as soon as practicable, give particulars of the recognizance to the [<sup>F97</sup>proper officer] of that court.

[<sup>F98</sup>(1A) In sub-paragraph (1) “proper officer” means—

- (a) in relation to a magistrates' court in England and Wales, the [<sup>F99</sup>designated officer] for the court; and
- (b) in relation to a court of summary jurisdiction in Northern Ireland, the clerk of the court.]

(2) Where a person released on bail under paragraph 22 above as it applies in Scotland fails to comply with the terms of his bail bond, [<sup>F96</sup>the First-tier Tribunal] may declare the bail to be forfeited, and any bail so forfeited shall be transmitted by [<sup>F96</sup>the First-tier Tribunal] to the sheriff court having jurisdiction in the area where the proceedings took place, and shall be treated as having been forfeited by that court.

(3) Any sum the payment of which is enforceable by a magistrates' court in England or Wales by virtue of this paragraph shall be treated for the [<sup>F100</sup>purposes of section 38 of the Courts Act 2003 (application of receipts of designated officers) as being] due under a recognizance forfeited by such a court . . . <sup>F101</sup>

(4) Any sum the payment of which is enforceable by virtue of this paragraph by a court of summary jurisdiction in Northern Ireland shall, for the purposes of section 20(5) of the <sup>M1</sup>Administration of Justice Act (Northern Ireland) 1954, be treated as a forfeited recognizance.

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### Textual Amendments

- F96** Words in Sch. 2 para. 23(1)(2) substituted (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 1 para. 2** (with Sch. 4)
- F97** Words in Sch. 2 para. 23(1)(b) substituted (1.4.2001) by [1999 c. 22](#), s. 90, Sch. 13 paras. 64, **70(1)(2)** (with s. 107, Sch. 14 para. 7(2)); [S.I. 2001/916](#), art. **2(a)(ii)** (with Sch. 2 para. 2)
- F98** Sch. 2 para. 23(1A) inserted (1.4.2001) by [1999 c. 22](#), s. 90, Sch. 13 paras. 64, **70(1)(3)** (with Sch. 14 para. 7(2)); [S.I. 2001/916](#), art. **2(a)(ii)** (with Sch. 2 para. 2)
- F99** Words in Sch. 2 para. 23(1A)(a) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 109(1), **Sch. 8 para. 149(2)**; [S.I. 2005/910](#), art. **3(y)(bb)**
- F100** Words in Sch. 2 para. 23(3) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 109(1), **Sch. 8 para. 149(3)**; [S.I. 2005/910](#), art. **3(y)(bb)**
- F101** Words repealed by [Criminal Justice Act 1972 \(c. 71\)](#), **Sch. 6 Pt. II**

### Modifications etc. (not altering text)

- C61** Sch. 2 paras. 22-25 applied by [Immigration and Asylum Act 1999 \(c. 33\)](#), s. 10(9)(i) (as substituted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), ss. 1, 75(3); [S.I. 2014/2771](#), art. 2(a) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))
- C63** Sch. 2 para. 23 modified (3.8.1998) by [1997 c. 68](#), s. 3, **Sch. 3 para. 2**; [S.I. 1998/1892](#), art. 2  
Sch. 2 para. 23 applied (2.10.2000) by [1999 c. 33](#), ss. 9(4), 10(7); [S.I. 2000/2444](#), art. 2, **Sch. 1** (subject to transitional provisions in art. 3, Sch. 2 para. 2)  
Sch. 2 para. 23 applied (with modifications) (14.12.2001) by [2001 c. 24](#), ss. 24(2)(b), 127(2)
- C64** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by [S.I. 2000/2326](#), reg. 24(2) (with regs. 9, 28)

### Marginal Citations

- M1** [1954 c. 9 \(N.I.\)](#)

- 24 (1) An immigration officer or constable may arrest without warrant a person who has been released by virtue of paragraph 22 above—
- (a) if he has reasonable grounds for believing that that person is likely to break the condition of his recognizance or bail bond that he will appear at the time and place required or to break any other condition of it, or has reasonable ground to suspect that that person is breaking or has broken any such other condition; or
- (b) if, a recognizance with sureties having been taken, he is notified in writing by any surety of the surety's belief that that person is likely to break the first-mentioned condition, and of the surety's wish for that reason to be relieved of his obligations as a surety;
- and paragraph 17(2) above shall apply for the arrest of a person under this paragraph as it applies for the arrest of a person under paragraph 17.
- (2) A person arrested under this paragraph—
- (a) if not required by a condition on which he was released to appear before an immigration officer within twenty-four hours after the time of his arrest, shall as soon as practicable be brought before [<sup>F102</sup>the First-tier Tribunal] or, if that is not practicable within those twenty-four hours, before [<sup>F103</sup>in England and Wales, a justice of the peace, in Northern Ireland,] a justice of the peace <sup>F104</sup>... or, in Scotland, the sheriff; and

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- (b) if required by such a condition to appear within those twenty-four hours before an immigration officer, shall be brought before that officer.
- (3) <sup>F105</sup>Where a person is brought before <sup>F106</sup>the First-tier Tribunal], a justice of the peace or the sheriff by virtue of sub-paragraph (2)(a), the Tribunal, justice of the peace or sheriff]—
- (a) if of the opinion that that person has broken or is likely to break any condition on which he was released, may either—
- (i) direct that he be detained under the authority of the person by whom he was arrested; or
- (ii) release him, on his original recognizance or on a new recognizance, with or without sureties, or, in Scotland, on his original bail or on new bail; and
- (b) if not of that opinion, shall release him on his original recognizance or bail.

#### Textual Amendments

- F102** Words in Sch. 2 para. 24(2)(a) substituted (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 1 para. 2** (with Sch. 4)
- F103** Words in Sch. 2 para. 24(2)(a) inserted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 109(1), **Sch. 8 para. 149(4)**; [S.I. 2005/910](#), art. 3(y)(bb)
- F104** Words in Sch. 2 para. 24(2)(a) repealed (N.I.) (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), **Sch. 1 para. 64(3)(a)**, **Sch. 9 Pt. 1** (with Sch. 8 para. 1); [S.R. 2016/387](#), art. 2(k)(l) (with art. 3)
- F105** Words in Sch. 2 para. 24(3) substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), s. 26, **Sch. 2 para. 1(3)**; [S.I. 2005/565](#), art. 2 (with arts. 3-9)
- F106** Words in Sch. 2 para. 24(3) substituted (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 1 para. 2** (with Sch. 4)

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

- C61** Sch. 2 paras. 22-25 applied by Immigration and Asylum Act 1999 (c. 33), s. 10(9)(i) (as substituted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), ss. 1, 75(3); [S.I. 2014/2771](#), art. 2(a) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))
- C65** Sch. 2 para. 24 modified (3.8.1998) by 1997 c. 68, s. 3, **Sch. 3 para.3**; [S.I. 1998/1892](#), art.2  
 Sch. 2 para. 24 applied (2.10.2000) by 1999 c. 33, ss. 9(4), 10(7); [S.I. 2000/2444](#), art. 2, **Sch. 1** (subject to transitional provisions in art. 3, Sch. 2 para. 2)  
 Sch. 2 para. 24 applied (with modifications) (14.12.2001) by 2001 c. 24, ss. 24(2)(c), 127(2)
- C66** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by [S.I. 2000/2326](#), reg. 24(2) (with regs. 9, 28)  
 Sch. 2 para. 24 applied (2.10.2000) by [S.I. 2000/2326](#), reg. 25(3)(a) (with regs. 9, 28)

<sup>F107</sup>23(1)] Tribunal Procedure Rules <sup>F109</sup>must] make provision with respect to applications to the First-tier Tribunal under paragraphs 22 to 24 and matters arising out of such applications.]

<sup>F110</sup>(2) Tribunal Procedure Rules must secure that, where the First-tier Tribunal has decided not to release a person on bail under paragraph 22, the Tribunal is required to dismiss without a hearing any further application by the person for release on bail (whether under paragraph 22 or otherwise) that is made during the period of 28 days starting with the date of the Tribunal's decision, unless the person demonstrates to the Tribunal that there has been a material change in circumstances.]

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#### Textual Amendments

- F107** Sch. 2 para. 25 substituted (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 1 para. 3** (with Sch. 4)
- F108** Sch. 2 para. 25(1): Sch. 2 para. 25 renumbered as Sch. 2 para. 25(1) (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 7(3)(a), 75(3)**; S.I. 2014/2771, art. 4(a)
- F109** Word in Sch. 2 para. 25(1) substituted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 7(3)(b), 75(3)**; S.I. 2014/2771, art. 4(a)
- F110** Sch. 2 para. 25(2) inserted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 7(3)(c), 75(3)**; S.I. 2014/2771, art. 4(a)

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

- C61** Sch. 2 paras. 22-25 applied by Immigration and Asylum Act 1999 (c. 33), s. 10(9)(i) (as substituted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 1, 75(3)**; S.I. 2014/2771, art. 2(a) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9)))

### *[<sup>F111</sup> Entry and search of premises]*

#### Textual Amendments

- F111** Heading inserted (14.2.2000) by [1999 c. 33, s. 132\(2\)](#); S.I. 2000/168, art. 2, **Sch**

<sup>F112</sup>25(A) This paragraph applies if—

- (a) a person is arrested under this Schedule; or
- (b) a person who was arrested [<sup>F113</sup>other than under this Schedule] is detained by an immigration officer under this Schedule.

(2) An immigration officer may enter and search any premises—

- (a) occupied or controlled by the arrested person, or
- (b) in which that person was when he was arrested, or immediately before he was arrested,

for relevant documents.

(3) The power may be exercised—

- (a) only if the officer has reasonable grounds for believing that there are relevant documents on the premises;
- (b) only to the extent that it is reasonably required for the purpose of discovering relevant documents; and
- (c) subject to sub-paragraph (4), only if a senior officer has authorised its exercise in writing.

(4) An immigration officer may conduct a search under sub-paragraph (2)—

- (a) before taking the arrested person to a place where he is to be detained; and
- (b) without obtaining an authorisation under sub-paragraph (3)(c),

if the presence of that person at a place other than one where he is to be detained is necessary to make an effective search for any relevant documents.

(5) An officer who has conducted a search under sub-paragraph (4) must inform a senior officer as soon as is practicable.

*Status: Point in time view as at 31/07/2017.*

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- (6) The officer authorising a search, or who is informed of one under sub-paragraph (5), must make a record in writing of—
- (a) the grounds for the search; and
  - (b) the nature of the documents that were sought.
- [ If, on an application made by an immigration officer, a justice of the peace is satisfied
- <sup>F114</sup>(6A) that—
- (a) there are reasonable grounds for believing that relevant documents may be found on premises not within sub-paragraph (2) which are [<sup>F115</sup>mentioned in sub-paragraph (6AA)] , and
  - (b) any of the conditions in sub-paragraph (6B) is met, [<sup>F116</sup>in relation to each set of premises specified in the application, ]
- the justice of the peace may issue a warrant authorising an immigration officer to enter and search the premises.
- [ The premises referred to in sub-paragraph (6A) above are—
- <sup>F117</sup>(6AA) (a) one or more sets of premises specified in the application, or
- (b) subject to sub-paragraph (6BA), 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”).
- (6AB) If the application is for an all premises warrant, the justice of the peace 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 relevant 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.
- (6AC) Subject to sub-paragraph (6BA), 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 justice issues the warrant.
- (6AD) If it authorises multiple entries, the number of entries authorised may be unlimited, or limited to a maximum.]
- (6B) The conditions [<sup>F118</sup>mentioned in sub-paragraph (6A)(b)] 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.
- [ A justice of the peace in Scotland may not issue—
- <sup>F119</sup>(6BA) (a) an all premises warrant under this paragraph, or
- (b) a warrant under this paragraph authorising multiple entries.]



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- (6C) In the application of [<sup>F120</sup>sub-paragraphs (6A) to (6BA)] to Scotland, references to a justice of the peace are to be treated as references to the sheriff or a justice of the peace.]
- (7) An officer searching premises under [<sup>F121</sup>this paragraph] —
- (a) may seize <sup>F122</sup>... any documents he finds which he has reasonable grounds for believing are relevant documents; <sup>F123</sup> ...
- <sup>F123</sup>(b) .....
- [ Sub-paragraph (7B) applies where—
- <sup>F124</sup>(7A) (a) an officer is searching premises under this paragraph, and
- (b) any document the officer has reasonable grounds for believing is a relevant document is stored in any electronic form and is accessible from the premises.
- (7B) The officer may require the document to be produced in a form in which it can be taken away and in which it is visible and legible or from which it can readily be produced in a visible and legible form.
- (7C) If a requirement under sub-paragraph (7B) is not complied with or a document to which that sub-paragraph applies cannot be produced in a form of the kind mentioned in that sub-paragraph, the officer may seize the device or medium on which it is stored.]
- (8) But [<sup>F125</sup>sub-paragraph (7)(a)] does not apply to documents which the officer has reasonable grounds for believing are items subject to legal privilege.
- [ An immigration officer may retain a document seized under [<sup>F127</sup>this paragraph ]
- <sup>F126</sup>(8A) 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.]
- (9) “Relevant documents” means any documents which might—
- (a) establish the arrested person’s identity, nationality or citizenship; or
- (b) indicate the place from which he has travelled to the United Kingdom or to which he is proposing to go.
- (10) “Senior officer” means an immigration officer not below the rank of chief immigration officer.]

#### Textual Amendments

- F112** Sch. 2 para. 25A inserted (14.2.2000) by 1999 c. 33, s. 132(2); S.I. 2000/168, art. 2, Sch. (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)
- F113** Words in Sch. 2 para. 25A(1)(b) substituted (28.7.2014) by Immigration Act 2014 (c. 22), s. 75(3), Sch. 1 para. 3(2); S.I. 2014/1820, art. 3(y)
- F114** Sch. 2 paras. 25A(6A)-(6C) inserted (28.7.2014) by Immigration Act 2014 (c. 22), s. 75(3), Sch. 1 para. 3(3); S.I. 2014/1820, art. 3(y)
- F115** Words in Sch. 2 para. 25A(6A) substituted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), Sch. 8 para. 6(2)(a); S.I. 2016/1037, reg. 5(k)

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- F116** Words in Sch. 2 para. 25A(6A)(b) inserted (1.12.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 8 para. 6\(2\)\(b\)](#); S.I. 2016/1037, reg. 5(k)
- F117** Sch. 2 paras. 25A(6AA)-(6AD) inserted (1.12.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 8 para. 6\(3\)](#); S.I. 2016/1037, reg. 5(k)
- F118** Words in Sch. 2 para. 25A(6b) inserted (1.12.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 8 para. 6\(4\)](#); S.I. 2016/1037, reg. 5(k)
- F119** Sch. 2 paras. 25A(6BA) inserted (1.12.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 8 para. 6\(5\)](#); S.I. 2016/1037, reg. 5(k)
- F120** Words in Sch. 2 para. 25A(6C) substituted (1.12.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 8 para. 6\(6\)](#); S.I. 2016/1037, reg. 5(k)
- F121** Words in Sch. 2 para. 25A(7) substituted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 1 para. 3\(4\)\(a\)](#); S.I. 2014/1820, art. 3(y)
- F122** Words in Sch. 2 para. 25A(7)(a) omitted (28.7.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 1 para. 3\(4\)\(b\)](#); S.I. 2014/1820, art. 3(y)
- F123** Sch. 2 para. 25A(7)(b) omitted (28.7.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 1 para. 3\(4\)\(c\)](#); S.I. 2014/1820, art. 3(y)
- F124** Sch. 2 paras. 25A(7A)-(7C) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), [ss. 46\(4\)\(a\)](#), 94(1); S.I. 2016/603, reg. 3(g)
- F125** Words in Sch. 2 para. 25A(8) substituted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), [ss. 46\(4\)\(b\)](#), 94(1); S.I. 2016/603, reg. 3(g)
- F126** Sch. 2 para. 25A(8A) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 1 para. 3\(5\)](#); S.I. 2014/1820, art. 3(y)
- F127** Words in Sch. 2 para. 25A(8A) substituted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), [ss. 46\(4\)\(c\)](#), 94(1); S.I. 2016/603, reg. 3(g)

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

- C67** Sch. 2 paras. 25A-25E applied by [Immigration and Asylum Act 1999 \(c. 33\)](#), [s. 10\(9\)\(j\)](#) (as substituted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), [ss. 1](#), 75(3); S.I. 2014/2771, art. 2(a) (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, [arts. 1\(2\)\(3\)](#), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, [art. 2](#) (which S.I. is revoked (6.4.2015) by S.I. 2015/371, [arts. 1\(3\)](#), 9)))

#### *[<sup>F128</sup> Searching persons arrested by immigration officers]*

#### Textual Amendments

- F128** Heading inserted (14.2.2000) by [1999 c. 33](#), [s. 134\(2\)](#); S.I. 2000/168, art. 2, [Sch](#)

<sup>F129</sup>(1) This paragraph applies if a person is arrested under this Schedule.

- (2) An immigration officer may search the arrested person if he has reasonable grounds for believing that the arrested person may present a danger to himself or others.
- (3) The officer may search the arrested person for—
  - (a) anything which he might use to assist his escape from lawful custody; or
  - (b) any document which might—
    - (i) establish his identity, nationality or citizenship; or
    - (ii) indicate the place from which he has travelled to the United Kingdom or to which he is proposing to go.
- (4) The power conferred by sub-paragraph (3) may be exercised—

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- (a) only if the officer has reasonable grounds for believing that the arrested person may have concealed on him anything of a kind mentioned in that sub-paragraph; and
  - (b) only to the extent that it is reasonably required for the purpose of discovering any such thing.
- (5) A power conferred by this paragraph to search a person is not to be read as authorising an officer to require a person to remove any of his clothing in public other than an outer coat, jacket or glove; but it does authorise the search of a person's mouth.
- (6) An officer searching a person under sub-paragraph (2) may seize and retain anything he finds, if he has reasonable grounds for believing that the person searched might use it to cause physical injury to himself or to another person.
- (7) An officer searching a person under sub-paragraph (3)(a) may seize and retain anything he finds, if he has reasonable grounds for believing that he might use it to assist his escape from lawful custody.
- (8) An officer searching a person under sub-paragraph (3)(b) may seize and retain anything he finds, other than an item subject to legal privilege, if he has reasonable grounds for believing that it might be a document falling within that sub-paragraph.
- [ Sub-paragraph (8B) applies where—
- <sup>F130</sup>(8A) (a) an officer is searching a person under this paragraph, and
- (b) any document the officer has reasonable grounds for believing is a document within sub-paragraph (3)(b) is stored in any electronic form on a device or medium found on the person.
- (8B) The officer may require the document to be produced in a form in which it can be taken away and in which it is visible and legible or from which it can readily be produced in a visible and legible form.
- (8C) If a requirement under sub-paragraph (8B) is not complied with or a document to which that sub-paragraph applies cannot be produced in a form of the kind mentioned in that sub-paragraph, the officer may seize the device or medium on which it is stored.
- (8D) Sub-paragraphs (8B) and (8C) do not apply to a document which the officer has reasonable grounds for believing is an item subject to legal privilege.]
- (9) Nothing seized under sub-paragraph (6) or (7) may be retained when the person from whom it was seized—
- (a) is no longer in custody, or
  - (b) is in the custody of a court but has been released on bail.]

#### Textual Amendments

**F129** Sch. 2 para. 25B inserted (14.2.2000) by 1999 c. 33, s. 134(2); S.I. 2000/168, art. 2, Sch. (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)

**F130** Sch. 2 paras. 25B(8A)-(8D) inserted (12.7.2016) by Immigration Act 2016 (c. 19), ss. 46(5), 94(1); S.I. 2016/603, reg. 3(g)

*Status: Point in time view as at 31/07/2017.*

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

**C67** Sch. 2 paras. 25A-25E applied by **Immigration and Asylum Act 1999 (c. 33), s. 10(9)(j)** (as substituted (20.10.2014) by **Immigration Act 2014 (c. 22), ss. 1, 75(3)**; S.I. 2014/2771, art. 2(a) (with **arts. 9-11**) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, **art. 2** (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9)))

### *<sup>F131</sup> Searching persons in police custody*

#### **Textual Amendments**

**F131** Heading inserted (14.2.2000) by **1999 c. 33, s. 135(2)**; S.I. 2000/168, art. 2, **Sch**

- <sup>F132</sup>25(1) This paragraph applies if a person—
- (a) has been arrested under this Schedule; and
  - (b) is in custody at a police station.
- (2) An immigration officer may, at any time, search the arrested person in order to ascertain whether he has with him—
- (a) anything which he might use to—
    - (i) cause physical injury to himself or others;
    - (ii) damage property;
    - (iii) interfere with evidence; or
    - (iv) assist his escape; or
  - (b) any document which might—
    - (i) establish his identity, nationality or citizenship; or
    - (ii) indicate the place from which he has travelled to the United Kingdom or to which he is proposing to go.
- (3) The power may be exercised only to the extent that the officer considers it to be necessary for the purpose of discovering anything of a kind mentioned in sub-paragraph (2).
- (4) An officer searching a person under this paragraph may seize and retain anything he finds, if he has reasonable grounds for believing that—
- (a) that person might use it for one or more of the purposes mentioned in sub-paragraph (2)(a); or
  - (b) it might be a document falling within sub-paragraph (2)(b).
- (5) But the officer may not retain anything seized under sub-paragraph (2)(a)—
- (a) for longer than is necessary in view of the purpose for which the search was carried out; or
  - (b) when the person from whom it was seized is no longer in custody or is in the custody of a court but has been released on bail.
- (6) The person from whom something is seized must be told the reason for the seizure unless he is—
- (a) violent or appears likely to become violent; or
  - (b) incapable of understanding what is said to him.
- (7) An intimate search may not be conducted under this paragraph.

*Status: Point in time view as at 31/07/2017.*

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- (8) The person carrying out a search under this paragraph must be of the same sex as the person searched.
- (9) “Intimate search” has the same meaning as in section 28H(11).]

#### Textual Amendments

**F132** Sch. 2 para. 25C inserted (14.2.2000) by 1999 c. 33, s. 135(2); S.I. 2000/168, art. 2, Sch. (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)

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

**C67** Sch. 2 paras. 25A-25E applied by Immigration and Asylum Act 1999 (c. 33), s. 10(9)(j) (as substituted (20.10.2014) by Immigration Act 2014 (c. 22), ss. 1, 75(3); S.I. 2014/2771, art. 2(a) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9)))

### *[<sup>F133</sup>Entry of premises to search for driving licence*

#### Textual Amendments

**F133** Sch. 2 paras. 25CA-25CC and cross-headings inserted (31.7.2017 for specified purposes) by Immigration Act 2016 (c. 19), ss. 43(2), 94(1) (with s. 43(5)); S.I. 2017/799, reg. 2

- 25CA (1) An authorised officer may exercise the powers in this section if the officer has reasonable grounds for believing that a person—
- is in possession of a driving licence, and
  - is not lawfully resident in the United Kingdom.
- (2) The authorised officer may enter and search any premises—
- occupied or controlled by the person, or
  - in which the person was when the person was encountered by the officer, for the driving licence.
- (3) The power conferred by sub-paragraph (2) may be exercised—
- only if the authorised officer has reasonable grounds for believing that the driving licence is on the premises,
  - only to the extent that it is reasonably required for the purpose of discovering the driving licence, and
  - unless the authorised officer is a constable, only if a senior officer has authorised its exercise in writing.
- (4) Sub-paragraph (3)(c) does not apply where it is not reasonably practicable for the authorised officer to obtain the authorisation of a senior officer before exercising the power.
- (5) An authorised officer who has conducted a search in reliance on sub-paragraph (4) must inform a senior officer as soon as is practicable.
- (6) The senior officer authorising a search, or who is informed of one under sub-paragraph (5), must make a record in writing of the grounds for the search.

*Status: Point in time view as at 31/07/2017.*

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- (7) In this paragraph and paragraphs 25CB and 25CC—
- “authorised officer” means—
- (a) an immigration officer,
  - (b) a constable, or
  - (c) a person of a kind authorised for the purposes of this paragraph and paragraphs 25CB and 25CC by the Secretary of State;
- “driving licence”—
- (a) means a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988 or Part II of the Road Traffic (Northern Ireland) Order 1981 (SI 1981/154 (NI 1)), and
  - (b) includes a licence of that kind which has been revoked;
- “senior officer” means—
- (a) in relation to an authorised officer who is an immigration officer, an immigration officer not below the rank of chief immigration officer;
  - (b) in relation to an authorised officer other than an immigration officer, a person of a kind designated by the Secretary of State for the purposes of this paragraph in relation to an authorised officer of that kind.
- (8) For the purposes of this paragraph and paragraphs 25CB and 25CC a person is not lawfully resident in the United Kingdom if the person requires leave to enter or remain in the United Kingdom but does not have it.

#### *Searching persons for driving licences*

- 25CB (1) An authorised officer may exercise the powers in this section if the officer has reasonable grounds for believing that a person—
- (a) is in possession of a driving licence, and
  - (b) is not lawfully resident in the United Kingdom.
- (2) The authorised officer may search the person for the driving licence.
- (3) The power conferred by sub-paragraph (2) may be exercised—
- (a) only if the authorised officer has reasonable grounds for believing that the driving licence may be concealed on the person, and
  - (b) only to the extent that it is reasonably required for the purpose of discovering the driving licence.
- (4) An intimate search may not be carried out under sub-paragraph (2).
- (5) In sub-paragraph (4) “intimate search” has the same meaning as in section 28H(11).

#### *Seizure and retention of driving licence*

- 25CC (1) If an authorised officer who is exercising a power to search a person or premises finds a driving licence to which this sub-paragraph applies in the course of the search, the officer may seize and retain the licence.
- (2) Sub-paragraph (1) applies to a driving licence if—
- (a) the authorised officer finds the licence in the possession of a person who the authorised officer has reasonable grounds for believing is not lawfully resident in the United Kingdom, or

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- (b) the authorised officer has reasonable grounds for believing that the holder of the licence is not lawfully resident in the United Kingdom.
- (3) A driving licence seized under sub-paragraph (1) must, as soon as practicable, be given to—
  - (a) the Secretary of State, in the case of a licence granted by the Secretary of State, or
  - (b) the Department for Infrastructure for Northern Ireland, in the case of a licence granted by the Department.
- (4) A person who is in possession of a driving licence by virtue of sub-paragraph (3) must retain it if—
  - (a) it has not been revoked,
  - (b) it has been revoked but the time limit for an appeal against revocation of the licence has not expired, or
  - (c) it has been revoked, such an appeal has been brought but the appeal has not been determined.
- (5) A driving licence which is required to be retained under sub-paragraph (4) must be retained—
  - (a) until a decision is taken not to revoke it, or
  - (b) if it has been or is subsequently revoked—
    - (i) until the time limit for an appeal against revocation of the licence expires without an appeal being brought, or
    - (ii) until such an appeal is determined.
- (6) A driving licence which is in the possession of a person by virtue of sub-paragraph (3) but which is not required to be retained under sub-paragraphs (4) and (5) must be returned to the holder if—
  - (a) a decision is taken not to revoke the licence, or
  - (b) an appeal against revocation of the licence is determined in favour of the holder.
- (7) Otherwise the driving licence may be dealt with in such manner as that person thinks fit.
- (8) Neither the Secretary of State nor the Department for Infrastructure for Northern Ireland is obliged to re-issue a licence which has been seized and retained under this paragraph.
- (9) References in this paragraph to an appeal against the revocation of a licence are to—
  - (a) an appeal under section 100 of the Road Traffic Act 1988, in the case of a licence granted by the Secretary of State, or
  - (b) an appeal under Article 16 of the Road Traffic (Northern Ireland) Order 1981 (SI 1981/154 (NI 1)), in the case of a licence granted by the Department for Infrastructure for Northern Ireland.
- (10) References in this paragraph to the holder of a driving licence, in relation to a licence that has been revoked, include the person who was the holder of the licence before it was revoked.]

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*[<sup>F134</sup> Access and copying]*

**Textual Amendments**

**F134** Heading inserted (14.2.2000) by 1999 c. 33, s. 136(2); S.I. 2000/168, art. 2, Sch

- [<sup>F135</sup>25D] If a person showing himself—
- (a) to be the occupier of the premises on which seized material was seized, or
  - (b) to have had custody or control of the material immediately before it was seized,
- asks the immigration officer who seized the material for a record of what he seized, the officer must provide the record to that person within a reasonable time.
- (2) If a relevant person asks an immigration officer for permission to be granted access to seized material, the officer must arrange for that person to have access to the material under the supervision of an immigration officer.
  - (3) An immigration officer may photograph or copy, or have photographed or copied, seized material.
  - (4) If a relevant person asks an immigration officer for a photograph or copy of seized material, the officer must arrange for—
    - (a) that person to have access to the material under the supervision of an immigration officer for the purpose of photographing or copying it; or
    - (b) the material to be photographed or copied.
  - (5) A photograph or copy made under sub-paragraph (4)(b) must be supplied within a reasonable time.
  - (6) There is no duty under this paragraph to arrange for access to, or the supply of a photograph or copy of, any material if there are reasonable grounds for believing that to do so would prejudice—
    - (a) the exercise of any functions in connection with which the material was seized; or
    - (b) an investigation which is being conducted under this Act, or any criminal proceedings which may be brought as a result.
  - (7) “Relevant person” means—
    - (a) a person who had custody or control of seized material immediately before it was seized, or
    - (b) someone acting on behalf of such a person.
  - (8) “Seized material” means anything which has been seized and retained under this Schedule [<sup>F136</sup>other than a driving licence seized under paragraph 25CC].]

**Textual Amendments**

**F135** Sch. 2 para. 25D inserted (14.2.2000) by 1999 c. 33, s. 136(2); S.I. 2000/168, art. 2, Sch. (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)

**F136** Words in Sch. 2 para. 25D(8) inserted (31.7.2017 for specified purposes) by Immigration Act 2016 (c. 19), ss. 43(3), 94(1); S.I. 2017/799, reg. 2



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

C67 Sch. 2 paras. 25A-25E applied by [Immigration and Asylum Act 1999 \(c. 33\), s. 10\(9\)\(j\)](#) (as substituted (20.10.2014) by [Immigration Act 2014 \(c. 22\), ss. 1, 75\(3\)](#); S.I. 2014/2771, art. 2(a) (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, [art. 2](#) (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9)))

[<sup>F137</sup>25E Section 28L applies for the purposes of this Schedule as it applies for the purposes of Part III.]

#### Textual Amendments

F137 Sch. 2 para. 25E inserted (14.2.2000) by [1999 c. 33, s. 139](#); S.I. 2000/168, art. 2, Sch. (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, [art. 2, Sch.](#))

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

C67 Sch. 2 paras. 25A-25E applied by [Immigration and Asylum Act 1999 \(c. 33\), s. 10\(9\)\(j\)](#) (as substituted (20.10.2014) by [Immigration Act 2014 \(c. 22\), ss. 1, 75\(3\)](#); S.I. 2014/2771, art. 2(a) (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, [art. 2](#) (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9)))

#### *Supplementary duties of those connected with ships or aircraft or with ports*

26 (1) The owners or agents of a ship or aircraft employed to carry passengers for reward shall not, without the approval of the Secretary of State, arrange for the ship or aircraft to call at a port in the United Kingdom other than a port of entry for the purpose of disembarking passengers, if any of the passengers on board may not enter the United Kingdom without leave <sup>F138</sup>. . . , or for the purpose of embarking passengers unless the owners or agents have reasonable cause to believe all of them to be [<sup>F139</sup>British citizens].

[<sup>F140</sup>(1A) Sub-paragraph (1) does not apply in such circumstances, if any, as the Secretary of State may by order prescribe.]

(2) The Secretary of State may from time to time give written notice to the owners or agents of any ships or aircraft designating control areas for the embarkation or disembarkation of passengers in any port in the United Kingdom, and specifying the conditions and restrictions (if any) to be observed in any control area; and where by notice given to any owners or agents a control area is for the time being designated for the embarkation or disembarkation of passengers at any port, the owners or agents shall take all reasonable steps to secure that, in the case of their ships or aircraft, passengers do not embark or disembark, as the case may be, at the port outside the control area and that any conditions or restrictions notified to them are observed.

(3) The Secretary of State may also from time to time give to any persons concerned with the management of a port in the United Kingdom written notice designating control areas in the port and specifying conditions or restrictions to be observed in any control area; and any such person shall take all reasonable steps to secure that any conditions or restrictions as notified to him are observed.

[<sup>F141</sup>(3A) The power conferred by sub-paragraph (1A) is exercisable by statutory instrument; and any such instrument shall be subject to annulment by a resolution of either House of Parliament.]

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### Textual Amendments

- F138** Words in Sch. 2 para. 26(1) repealed (14.2.2000) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 43, 64(1)(2), Sch. 16; S.I. 2000/168, art. 2, Sch. (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)
- F139** Words substituted by British Nationality Act 1981 (c. 61), s. 52(7), Sch. 4 para. 2 (with Sch. 8 para. 8)
- F140** Sch. 2 para. 26(1A) inserted (14.2.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, 64(1)(3); S.I. 2000/168, art. 2, Sch. (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)
- F141** Sch. 2 para. 26(3A) inserted (14.2.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, 64(1)(4); S.I. 2000/168, art. 2, Sch. (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)

### Modifications etc. (not altering text)

- C68** Sch. 2 para. 26(1) amended (17.2.2003 for certain purposes and 1.4.2003 otherwise) by 1999 c. 33, s. 25(4)(a); S.I. 2003/2, art. 2, Sch.

- 27 (1) The captain of a ship or aircraft arriving in the United Kingdom—
- (a) shall take such steps as may be necessary to secure that persons on board do not disembark there unless either they have been examined by an immigration officer, or they disembark in accordance with arrangements approved by an immigration officer, or they are members of the crew who may lawfully enter the United Kingdom without leave by virtue of section 8(1) of this Act; and
  - (b) where the examination of persons on board is to be carried out on the ship or aircraft, shall take such steps as may be necessary to secure that those to be examined are presented for the purpose in an orderly manner.
- [<sup>F142</sup>(2) The Secretary of State may by order require, or enable an immigration officer to require, a responsible person in respect of a ship or aircraft to supply—
- (a) a passenger list showing the names and nationality or citizenship of passengers arriving or leaving on board the ship or aircraft;
  - (b) particulars of members of the crew of the ship or aircraft.
- (3) An order under sub-paragraph (2) may relate—
- (a) to all ships or aircraft arriving or expected to arrive in the United Kingdom;
  - (b) to all ships or aircraft leaving or expected to leave the United Kingdom;
  - (c) to ships or aircraft arriving or expected to arrive in the United Kingdom from or by way of a specified country;
  - (d) to ships or aircraft leaving or expected to leave the United Kingdom to travel to or by way of a specified country;
  - (e) to specified ships or specified aircraft.
- (4) For the purposes of sub-paragraph (2) the following are responsible persons in respect of a ship or aircraft—
- (a) the owner or agent, and
  - (b) the captain.
- (5) An order under sub-paragraph (2)—
- (a) may specify the time at which or period during which information is to be provided,

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- (b) may specify the form and manner in which information is to be provided,
- [<sup>F143</sup>(ba) may require a responsible person to be able to receive, in a specified form and manner, communications sent by the Secretary of State or an immigration officer relating to the information,]
- (c) shall be made by statutory instrument, and
- (d) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

**Textual Amendments**

- F142** Sch. 2 para. 27(2)-(5) substituted (5.11.2007 for certain purposes and 1.3.2008 otherwise) for Sch. 2 para. 27(2) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), **ss. 31(2)**, 62; [S.I. 2007/3138](#), **arts. 2(d)**, **3(b)** (as amended by [S.I. 2007/3580](#), **art. 2**)
- F143** Sch. 2 para. 27(5)(ba) inserted (12.2.2015) by [Counter-Terrorism and Security Act 2015 \(c. 6\)](#), s. 52(5), **Sch. 5 para. 1(2)**

*[<sup>F144</sup> Supplementary duties of the Concessionaires]*

**Textual Amendments**

- F144** Sch. 2 para. 27A inserted by [S.I. 1990/2227](#), **art. 3**, **Sch. 1 para. 13**

<sup>F145</sup>27A . . . . .

**Textual Amendments**

- F145** Sch. 2 para. 27A repealed (2.8.1993) by [S.I. 1993/1813](#), **art. 9, 1**, **Sch. 6 Pt.I**

*[<sup>F146</sup> Passenger information]*

**Textual Amendments**

- F146** Heading inserted (3.4.2000) by [1999 c. 33, s. 18](#); [S.I. 2000/464](#), **art. 2**, **Sch.**

- [<sup>F147</sup>27B] This paragraph applies to ships or aircraft—
- (a) which have arrived, or are expected to arrive, in the United Kingdom; or
  - (b) which have left, or are expected to leave, the United Kingdom.
- (2) If an immigration officer asks the owner or agent (“the carrier”) of a ship or aircraft for passenger information [<sup>F148</sup>or service information], the carrier must provide that information to the officer.
- (3) The officer may ask for passenger information [<sup>F148</sup>or service information] relating to—
- (a) a particular ship or particular aircraft of the carrier;
  - (b) particular ships or aircraft (however described) of the carrier; or
  - (c) all of the carrier’s ships or aircraft.

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- (4) The officer may ask for—
- (a) all passenger information [<sup>F148</sup>or service information] in relation to the ship or aircraft concerned; or
  - (b) particular passenger information [<sup>F148</sup>or service information] in relation to that ship or aircraft.
- (5) A request under sub-paragraph (2)—
- (a) must be in writing;
  - (b) must state the date on which it ceases to have effect; and
  - (c) continues in force until that date, unless withdrawn earlier by written notice by an immigration officer.
- (6) The date may not be later than six months after the request is made.
- (7) The fact that a request under sub-paragraph (2) has ceased to have effect as a result of sub-paragraph (5) does not prevent the request from being renewed.
- (8) The information must be provided—
- (a) in such form and manner as the Secretary of State may direct; and
  - (b) at such time as may be stated in the request.
- [ The officer may require a carrier to be able to receive communications from the <sup>F149</sup>(8A) officer in such form and manner as the Secretary of State may direct.]
- (9) “Passenger information” means such information relating to the passengers carried, or expected to be carried, by the ship or aircraft as may be specified.
- [ “Service information” means such information relating to the voyage or flight <sup>F150</sup>(9A) undertaken by the ship or aircraft as may be specified.]
- (10) “Specified” means specified in an order made by statutory instrument by the Secretary of State.
- (11) Such an instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

- F147** Sch. 2 para. 27B inserted (3.4.2000) by 1999 c. 33, s. 18; S.I. 2000/464, art. 2, Sch. (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)
- F148** Words in Sch. 2 para. 27B inserted (5.11.2007 for certain purposes and 1.3.2008 otherwise) by Immigration, Asylum and Nationality Act 2006 (c. 13), ss. 31(3)(a), 62; S.I. 2007/3138, arts. 2(d), 3(b) (as amended by S.I. 2007/3580, art. 2)
- F149** Sch. 2 para. 27B(8A) inserted (12.2.2015) by Counter-Terrorism and Security Act 2015 (c. 6), s. 52(5), Sch. 5 para. 1(3)
- F150** Sch. 2 para. 27B(9A) inserted (5.11.2007 for certain purposes and 1.3.2008 otherwise) by Immigration, Asylum and Nationality Act 2006 (c. 13), ss. 31(3)(b), 62; S.I. 2007/3138, arts. 2(d), 3(b) (as amended by S.I. 2007/3580, art. 2)

- [<sup>F151</sup>27B(1) The Secretary of State may make regulations requiring responsible persons in respect of ships or aircraft—
- (a) which have arrived, or are expected to arrive, in the United Kingdom, or
  - (b) which have left, or are expected to leave, the United Kingdom,

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to supply information to the Secretary of State or an immigration officer.

- (2) The following information may be required under sub-paragraph (1)—
  - (a) information about the persons on board;
  - (b) information about the voyage or flight.
- (3) The regulations must—
  - (a) specify or describe the classes of ships or aircraft to which they apply;
  - (b) specify the information required to be supplied;
  - (c) specify the time by which the information must be supplied;
  - (d) specify the form and manner in which the information must be supplied.
- (4) The regulations may require responsible persons to be able to receive, in a specified form and manner, communications sent by the Secretary of State or an immigration officer relating to the information.
- (5) For the purposes of this paragraph, the following are responsible persons in respect of a ship or aircraft—
  - (a) the owner or agent, and
  - (b) the captain.
- (6) Regulations under this paragraph may make different provision for different purposes, and in particular may make different provision for different types of carrier, journey or person on board.
- (7) The power to make regulations under this paragraph is exercisable by statutory instrument; but no regulations under this paragraph are to be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.

#### **Textual Amendments**

**F151** Sch. 2 paras. 27BA, 27BB inserted (12.2.2015) by [Counter-Terrorism and Security Act 2015 \(c. 6\)](#), s. 52(5), [Sch. 5 para. 1\(4\)](#)

- 27BB (1) The Secretary of State may make regulations imposing penalties for failure to comply with—
- (a) an order under paragraph 27(2) (order requiring passenger list or particulars of member of crew),
  - (b) any request or requirement under paragraph 27B (passenger and service information), or
  - (c) regulations under paragraph 27BA (passenger, crew and service information).
- (2) Regulations under sub-paragraph (1) may in particular make provision—
- (a) about how a penalty is to be calculated;
  - (b) about the procedure for imposing a penalty;
  - (c) about the enforcement of penalties;
  - (d) allowing for an appeal against a decision to impose a penalty;
- and the regulations may make different provision for different purposes.

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- (3) Provision in the regulations about the procedure for imposing a penalty must provide for a person to be given an opportunity to object to a proposed penalty in the circumstances set out in the regulations.
- (4) The regulations must provide that no penalty may be imposed on a person for failure to comply with an order under paragraph 27(2), a request or requirement under paragraph 27B or regulations under paragraph 27BA where—
- (a) proceedings have been instituted against the person under section 27 in respect of the same failure; or
  - (b) the failure consists of a failure to provide information that the person has also been required to provide under section 32 or 32A of the Immigration, Asylum and Nationality Act 2006 and—
    - (i) a penalty has been imposed on the person in respect of a failure to provide that information by virtue of regulations made under section 32B of that Act, or
    - (ii) proceedings have been instituted against the person under section 34 of that Act in respect of a failure to provide that information; or
  - (c) the failure consists of a failure to provide information that the person has also been required to provide under an authority-to-carry scheme made under section 22 of the Counter-Terrorism and Security Act 2015 and a penalty has been imposed on the person in respect of a failure to provide that information by virtue of regulations made under section 24 of that Act.
- (5) Any penalty paid by virtue of this paragraph must be paid into the Consolidated Fund.
- (6) The power to make regulations under this paragraph is exercisable by statutory instrument; but no regulations under this paragraph are to be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.]

**Textual Amendments**

**F151** Sch. 2 paras. 27BA, 27BB inserted (12.2.2015) by [Counter-Terrorism and Security Act 2015 \(c. 6\)](#), s. 52(5), [Sch. 5 para. 1\(4\)](#)

*<sup>F152</sup> Notification of non-EEA arrivals]*

**Textual Amendments**

**F152** Heading inserted (3.4.2000) by [1999 c. 33, s. 19](#); [S.I. 2000/464, art. 2](#), [Sch.](#)

<sup>F153</sup>27C .....

**Textual Amendments**

**F153** Sch. 2 para. 27C omitted (12.2.2015) by virtue of [Counter-Terrorism and Security Act 2015 \(c. 6\)](#), s. 52(5), [Sch. 5 para. 1\(5\)](#)

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## PART II U.K.

### EFFECT OF APPEALS

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

- C69** Sch. 2 Pt. II amended (26.7.1993) by 1993 c. 23, s. 8(6), **Sch. 2 para.9**; S.I. 1993/1655, **art.2**  
Sch. 2 Pt. II extended (with modifications) (Isle of Man) (1.4.1997) by S.I. 1997/275, **art. 2(1)**, Sch.  
Sch. 2 Pt. II: power to modify conferred (11.6.1998) by 1997 c. 68, s. 5(4)(a); S.I. 1998/1336, **art.2**  
Sch. 2 Pt. II extended (3.8.1998) by 1997 c. 68, s. 2, **Sch. 2 paras.3(1), 4**; S.I. 1998/1892, **art.2**

#### *Stay on directions for removal*

**F154**28 .....

#### Textual Amendments

- F154** Sch. 2 para. 28 repealed (2.10.2000) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 43, 65, **Sch. 16**; S.I. 2000/2444, **art. 2, Sch. 1** (subject to transitional provisions in art. 3, Sch. 2 para. 2)

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

- C70** Sch. 2 para. 28 continued (14.3.2003) by The Nationality, Immigration and Asylum Act 2002 (Commencement No. 4) Order 2003 (S.I. 2003/754), arts. 3, 4, **Sch. 2 para. 2(10)(a)**

#### *Grant of bail pending appeal*

- 29 (1) Where a person (in the following provisions of this Schedule referred to as “an appellant”) has an appeal pending under [<sup>F155</sup>Part 5 of the Nationality, Immigration and Asylum Act 2002] and is for the time being detained under Part I of this Schedule, he may be released on bail in accordance with this paragraph [<sup>F156</sup>(and paragraph 22 does not apply)].
- (2) An immigration officer not below the rank of chief immigration officer or a police officer not below the rank of inspector may release an appellant on his entering into a recognizance or, in Scotland, bail bond conditioned for his appearance before [<sup>F157</sup>the First-tier Tribunal] at a time and place named in the recognizance or bail bond.
- (3) [<sup>F158</sup>the First-tier Tribunal] may release an appellant on his entering into a recognizance or, in Scotland, bail bond conditioned for his appearance before [<sup>F159</sup>the Tribunal] or the [<sup>F160</sup>Immigration Appeal Tribunal] at a time and place named in the recognizance or bail bond; <sup>F161</sup> . . .
- (4) <sup>F162</sup> .....
- (5) The conditions of a recognizance or bail bond taken under this paragraph may include conditions appearing to the person fixing the bail to be likely to result in the appearance of the appellant at the time and place named; and any recognizance shall be with or without sureties as that person may determine.
- (6) In any case in which [<sup>F163</sup>the First-tier Tribunal] has power or is required by this paragraph to release an appellant on bail, [<sup>F164</sup>the Tribunal] may, instead of taking the

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bail, fix the amount and conditions of the bail (including the amount in which any sureties are to be bound) with a view to its being taken subsequently by any such person as may be specified by <sup>F165</sup>the Tribunal]; and on the recognizance or bail bond being so taken the appellant shall be released.

#### Textual Amendments

- F155** Words in Sch. 2 para. 29(1) substituted (1.4.2003) by 2002 c. 41, s. 114, Sch. 7 para. 6(a) (with s. 159); S.I. 2003/754, art. 2, Sch. 1 (with transitional provisions in arts. 3, 4, Sch. 2 (as amended by S.I. 2003/1040 and 2003/1339))
- F156** Words in Sch. 2 para. 29(1) inserted (20.10.2014) by Immigration Act 2014 (c. 22), ss. 7(4), 75(3); S.I. 2014/2771, art. 4(a)
- F157** Words in Sch. 2 para. 29(2) substituted (15.2.2010) by The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21), art. 1, Sch. 1 para. 2 (with Sch. 4)
- F158** Words in Sch. 2 para. 29(3) substituted (15.2.2010) by The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21), art. 1, Sch. 1 para. 2 (with Sch. 4)
- F159** Words in Sch. 2 para. 29(3) substituted (4.4.2005) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), s. 26, Sch. 2 para. 1(4)(b)(ii); S.I. 2005/565, art. 2 (with arts. 3-9)
- F160** Words in Sch. 2 para. 29 substituted (1.4.2003) by 2002 c. 41, s. 114, Sch. 7 para. 6(b) (with s. 159); S.I. 2003/754, art. 2, Sch. 1 (with transitional provisions in arts. 3, 4, Sch. 2 (as amended by S.I. 2003/1040 and 2003/1339))
- F161** Words in Sch. 2 para. 29(3) omitted (4.4.2005) by virtue of and repealed (prosp.) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), ss. 26, 47, Sch. 2 para. 1(4)(b)(iii), Sch. 4; S.I. 2005/565, art. 2 (with arts. 3-9)
- F162** Sch. 2 para. 29(4) omitted (4.4.2005) by virtue of and repealed (prosp.) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), ss. 26, 47, Sch. 2 para. 1(4)(c), Sch. 4; S.I. 2005/565, art. 2 (with arts. 3-9)
- F163** Words in Sch. 2 para. 29(6) substituted (15.2.2010) by The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21), art. 1, Sch. 1 para. 2 (with Sch. 4)
- F164** Words in Sch. 2 para. 29(6) substituted (4.4.2005) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), s. 26, Sch. 2 para. 1(4)(d)(ii); S.I. 2005/565, art. 2 (with arts. 3-9)
- F165** Words in Sch. 2 para. 29(6) substituted (4.4.2005) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), s. 26, Sch. 2 para. 1(4)(d)(iii); S.I. 2005/565, art. 2 (with arts. 3-9)

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

- C71** Sch. 2 para. 29 modified (retrospectively and temp.) by Immigration Act 2016 (c. 19), ss. 61(3)-(5), 94(3) (with s. 61(6))
- C72** Sch. 2 para. 29 amended (1.9.1996) by 1996 c. 49, s. 3(6); S.I. 1996/2053, art. 2, Sch. Pt. II  
 Sch. 2 para. 29 applied (2.10.2000 with application as mentioned in regs. 9, 28) by S.I. 2000/2326, reg. 32(6)(7) (as substituted (1.4.2003) for reg. 34(6)(10) by S.I. 2003/549, reg. 2(8) (with reg. 3))  
 Sch. 2 para. 29 modified (3.8.1998) by 1997 c. 68, s. 3, Sch. 3 para. 4; S.I. 1998/1892, art. 2
- C73** Sch. 2 para. 29(1) excluded (14.3.2003) by The Nationality, Immigration and Asylum Act 2002 (Commencement No. 4) Order 2003 (S.I. 2003/754), arts. 3, 4, Sch. 2 para. 2(10)(b)(i)
- C74** Words in Sch. 2 para. 29(1) inserted by 1997 c. 68, Sch. 3 para. 4(1A) (as inserted) (28.7.2014) by Immigration Act 2014 (c. 22), s. 75(3), Sch. 9 para. 10(3); S.I. 2014/1820, art. 3(cc)
- C75** Sch. 2 para. 29(5)(6) applied (1.9.1996) by 1993 c. 23, s. 9A (as inserted (1.9.1996) by 1996 c. 49, s. 12(2), Sch. 3 para. 3; S.I. 1996/2053, art. 2, Sch. Pt. II)

#### *Restrictions on grant of bail*

- 30 (1) An appellant shall not be released under paragraph 29 above without the consent of the Secretary of State if<sup>F166</sup>—



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- (a)] directions for the removal of the appellant from the United Kingdom are for the time being in force, [<sup>F167</sup>and
  - (b) the directions require the person to be removed from the United Kingdom within the period of 14 days starting with the date of the decision on whether the person should be released on bail.]
- (2) Notwithstanding paragraph 29(3) or (4) above, [<sup>F168</sup>the Tribunal] shall not be obliged to release an appellant unless the appellant enters into a proper recognizance, with sufficient and satisfactory sureties if required, or in Scotland sufficient and satisfactory bail is found if so required; and [<sup>F168</sup>the Tribunal] shall not be obliged to release an appellant if it appears to [<sup>F169</sup>the Tribunal]—
- (a) that the appellant, having on any previous occasion been released on bail (whether under paragraph 24 or under any other provision), has failed to comply with the conditions of any recognizance or bail bond entered into by him on that occasion;
  - (b) that the appellant is likely to commit an offence unless he is retained in detention;
  - (c) that the release of the appellant is likely to cause danger to public health;
  - (d) that the appellant is suffering from mental disorder and that his continued detention is necessary in his own interests or for the protection of any other person; or
  - (e) that the appellant is under the age of seventeen, that arrangements ought to be made for his care in the event of his release and that no satisfactory arrangements for that purpose have been made.

#### Textual Amendments

**F166** Hyphen and sub-para ref "(a)" in Sch. 2 para. 30(1) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), [ss. 7\(5\)\(a\)](#), [75\(3\)](#); S.I. 2014/1820, [art. 3\(f\)](#)

**F167** Sch. 2 para. 30(1)(b) substituted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), [ss. 7\(5\)\(b\)](#), [75\(3\)](#); S.I. 2014/1820, [art. 3\(f\)](#)

**F168** Words in Sch. 2 para. 30 substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), [s. 26](#), [Sch. 2 para. 1\(5\)\(a\)](#); S.I. 2005/565, [art. 2](#) (with arts. 3-9)

**F169** Words in Sch. 2 para. 30 substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), [s. 26](#), [Sch. 2 para. 1\(5\)\(c\)](#); S.I. 2005/565, [art. 2](#) (with arts. 3-9)

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

**C76** Sch. 2 paras. 30-33 applied (with modifications) (1.9.1996) by [1993 c. 23](#), [s. 9A](#) (as inserted (1.9.1996) by [1996 c. 49](#), [s. 12\(2\)](#)), [Sch. 3 para.3](#); S.I. 1996/2053, [art. 2](#), [Sch. Pt.II](#))

Sch. 2 para. 30 modified (3.8.1998) by [1997 c. 68](#), [s. 3](#), [Sch. 3 para.5](#); S.I. 1998/1892, [art.2](#)

**C77** Sch. 2 para. 30(1) applied (with modifications) (14.12.2001) by [2001 c. 24](#), [ss. 24\(2\)\(d\)](#), [127\(2\)](#)

#### *Forfeiture of recognizances*

- 31 (1) Where under paragraph 29 above (as it applies in England and Wales or in Northern Ireland) a recognizance is entered into conditioned for the appearance of an appellant before [<sup>F170</sup>the Tribunal] , and it appears to [<sup>F171</sup>the Tribunal] , to be forfeited, [<sup>F172</sup>the Tribunal] may by order declare it to be forfeited and adjudge the persons bound thereby, whether as principal or sureties, or any of them, to pay the sum in which they are respectively bound or such part of it, if any, as [<sup>F172</sup>the Tribunal] thinks fit.

*Status: Point in time view as at 31/07/2017.*

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- (2) An order under this paragraph shall, for the purposes of this sub-paragraph, specify a magistrates' court or, in Northern Ireland, court of summary jurisdiction; and the recognizance shall be treated for the purposes of collection, enforcement and remission of the sum forfeited as having been forfeited by the court so specified.
- (3) Where [<sup>F170</sup>the Tribunal] makes an order under this paragraph [<sup>F172</sup>the Tribunal] shall, as soon as practicable, give particulars of the recognizance to the [<sup>F173</sup>proper officer] of the court specified in the order in pursuance of sub-paragraph (2) above.
- [<sup>F174</sup>(3A) In sub-paragraph (3) “proper officer” means—
- (a) in relation to a magistrates' court in England and Wales, the [<sup>F175</sup>designated officer] for the court; and
  - (b) in relation to a court of summary jurisdiction in Northern Ireland, the clerk of the court.]
- (4) Any sum the payment of which is enforceable by a magistrates' court in England or Wales by virtue of this paragraph shall be treated for the [<sup>F176</sup>purposes of section 38 of the Courts Act 2003 (application of receipts of designated officers) as being] due under a recognizance forfeited by such a court . . . <sup>F177</sup>
- (5) Any sum the payment of which is enforceable by virtue of this paragraph by a court of summary jurisdiction in Northern Ireland shall, for the purposes of section 20(5) of the <sup>M2</sup>Administration of Justice Act (Northern Ireland) 1954, be treated as a forfeited recognizance.

#### Textual Amendments

- F170** Words in Sch. 2 para. 31 substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), s. 26, Sch. 2 para. 1\(5\)\(b\)](#); S.I. 2005/565, [art. 2](#) (with arts. 3-9)
- F171** Words in Sch. 2 para. 31 substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), s. 26, Sch. 2 para. 1\(5\)\(c\)](#); S.I. 2005/565, [art. 2](#) (with arts. 3-9)
- F172** Words in Sch. 2 para. 31 substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), s. 26, Sch. 2 para. 1\(5\)\(d\)](#); S.I. 2005/565, [art. 2](#) (with arts. 3-9)
- F173** Words in Sch. 2 para. 31(3) substituted (1.4.2001) by [1999 c. 22, s. 90, Sch. 13 paras. 64, 70\(1\)\(4\)](#) (with [s. 107, Sch. 14 para. 7\(2\)](#)); S.I. 2001/916, [art. 2\(a\)\(ii\)](#) (with Sch. 2 para. 2)
- F174** Sch. 2 para. 31(3A) inserted (1.4.2001) by [1999 c. 22, s. 90, Sch. 13 paras. 64, 70\(1\)\(5\)](#) (with [Sch. 14 para. 7\(2\)](#)); S.I. 2001/916, [art. 2\(a\)\(ii\)](#) (with Sch. 2 para. 2)
- F175** Words in Sch. 2 para. 31(3A)(a) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\), s. 109\(1\), Sch. 8 para. 149\(2\)](#); S.I. 2005/910, [art. 3\(y\)\(bb\)](#)
- F176** Words in Sch. 2 para. 31(4) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\), s. 109\(1\), Sch. 8 para. 149\(3\)](#); S.I. 2005/910, [art. 3\(y\)\(bb\)](#)
- F177** Words repealed by [Criminal Justice Act 1972 \(c. 71\), Sch. 6 Pt. II](#)

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

- C78** Sch. 2 paras. 30-33 applied (with modifications) (1.9.1996) by [1993 c. 23, s. 9A](#) (as inserted (1.9.1996) by [1996 c. 49, s. 12\(2\), Sch. 3 para. 3](#); S.I. 1996/2053, [art. 2, Sch. Pt. II](#))
- Sch. 2 para. 31 modified (3.8.1998) by [1997 c. 68, s. 3, Sch. 3 para. 6](#); S.I. 1998/1892, [art. 2](#)

#### Marginal Citations

- M2** [1954 c. 9 \(N.I.\)](#)

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- 32 Where under paragraph 29 above (as it applies in Scotland) a person released on bail fails to comply with the terms of a bail bond conditioned for his appearance before [F178the Tribunal] , [F179the Tribunal] may declare the bail to be forfeited, and any bail so forfeited shall be transmitted by [F180the Tribunal] to the sheriff court having jurisdiction in the area where the proceedings took place, and shall be treated as having been forfeited by that court.

#### Textual Amendments

- F178** Words in Sch. 2 para. 32 substituted (4.4.2005) by *Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), s. 26, Sch. 2 para. 1(5)(b)*; S.I. 2005/565, **art. 2** (with arts. 3-9)
- F179** Words in Sch. 2 para. 32 substituted (4.4.2005) by *Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), s. 26, Sch. 2 para. 1(5)(d)*; S.I. 2005/565, **art. 2** (with arts. 3-9)
- F180** Words in Sch. 2 para. 32 substituted (4.4.2005) by *Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), s. 26, Sch. 2 para. 1(5)(e)*; S.I. 2005/565, **art. 2** (with arts. 3-9)

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

- C79** Sch. 2 paras. 30-33 applied (with modifications) (1.9.1996) by *1993 c. 23, s. 9A* (as inserted (1.9.1996) by *1996 c. 49, s. 12(2), Sch. 3 para.3*; S.I. 1996/2053, **art. 2, Sch. Pt.II**)  
Sch. 2 para. 32 modified (3.8.1998) by *1997 c. 68, s. 3, Sch. 3 para.7*; S.I. 1998/1892, **art.2**

#### *Arrest of appellants released on bail*

- 33 (1) An immigration officer or constable may arrest without warrant a person who has been released by virtue of this Part of this Schedule—
- (a) if he has reasonable grounds for believing that that person is likely to break the condition of his recognizance or bail bond that he will appear at the time and place required or to break any other condition of it, or has reasonable ground to suspect that that person is breaking or has broken any such other condition; or
  - (b) if, a recognizance with sureties having been taken, he is notified in writing by any surety of the surety's belief that that person is likely to break the first-mentioned condition, and of the surety's wish for that reason to be relieved of his obligations as a surety;
- and paragraph 17(2) above shall apply for the arrest of a person under this paragraph as it applies for the arrest of a person under paragraph 17.
- (2) A person arrested under this paragraph—
- (a) if not required by a condition on which he was released to appear before [F181the Tribunal] within twenty-four hours after the time of his arrest, shall as soon as practicable be brought [F182before the Tribunal] or, if that is not practicable within those twenty-four hours, before [F183in England and Wales, a justice of the peace, in Northern Ireland,] a justice of the peace <sup>F184</sup>... or, in Scotland, the sheriff; and
  - (b) if required by such a condition to appear within those twenty-four hours [F185before the Tribunal] , shall be brought [F186before it] .
- (3) [F187Where a person is brought before [F188the First-tier Tribunal] , a justice of the peace or the sheriff by virtue of sub-paragraph (2)(a), the Tribunal, justice of the peace or sheriff]—

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- (a) if of the opinion that that person has broken or is likely to break any condition on which he was released, may either—
- (i) direct that he be detained under the authority of the person by whom he was arrested; or
  - (ii) release him on his original recognizance or on a new recognizance, with or without sureties, or, in Scotland, on his original bail or on new bail; and
- (b) if not of that opinion, shall release him on his original recognizance or bail.

#### Textual Amendments

- F181** Words in Sch. 2 para. 33 substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), s. 26, **Sch. 2 para. 1(5)(f)**; S.I. 2005/565, **art. 2** (with arts. 3-9)
- F182** Words in Sch. 2 para. 33(2)(a) substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), s. 26, **Sch. 2 para. 1(6)(a)**; S.I. 2005/565, **art. 2** (with arts. 3-9)
- F183** Words in Sch. 2 para. 33(2)(a) inserted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 109(1), **Sch. 8 para. 149(4)**; S.I. 2005/910, **art. 3(y)(bb)**
- F184** Words in Sch. 2 para. 33(2)(a) repealed (N.I.) (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), **Sch. 1 para. 64(3)(b)**, **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(l) (with art. 3)
- F185** Words in Sch. 2 para. 33 substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), s. 26, **Sch. 2 para. 1(5)(g)**; S.I. 2005/565, **art. 2** (with arts. 3-9)
- F186** Words in Sch. 2 para. 33(2)(b) substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), s. 26, **Sch. 2 para. 1(6)(b)**; S.I. 2005/565, **art. 2** (with arts. 3-9)
- F187** Words in Sch. 2 para. 33(2)(c) substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), s. 26, **Sch. 2 para. 1(6)(c)**; S.I. 2005/565, **art. 2** (with arts. 3-9)
- F188** Words in Sch. 2 para. 33(3) substituted (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 1 para. 2** (with Sch. 4)

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

- C80** Sch. 2 paras. 30-33 applied (with modifications) (1.9.1996) by [1993 c. 23](#), s. 9A (as inserted (1.9.1996) by [1996 c. 49](#), s. 12(2), **Sch. 3 para.3**; S.I. 1996/2053, art. 2, **Sch. Pt.II**)  
 Sch. 2 para. 33 modified (3.8.1998) by [1997 c. 68](#), s. 3, **Sch. 3 para.8**; S.I. 1998/1892, **art.2**

[<sup>F189</sup>33(1)] Tribunal Procedure Rules must make provision with respect to applications to the First-tier Tribunal under paragraphs 29 to 33 and matters arising out of such applications.

- (2) Tribunal Procedure Rules must secure that, where the First-tier Tribunal has decided not to release a person on bail under paragraph 29, the Tribunal is required to dismiss without a hearing any further application by the person for release on bail (whether under paragraph 29 or otherwise) that is made during the period of 28 days starting with the date of the Tribunal's decision, unless the person demonstrates to the Tribunal that there has been a material change in circumstances.]

#### Textual Amendments

- F189** Sch. 2 para. 33A inserted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 7(6)**, 75(3); S.I. 2014/2771, **art. 4(a)**

*Status: Point in time view as at 31/07/2017.*

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### <sup>F190</sup> [Grant of bail pending removal]

#### Textual Amendments

**F190** Sch. 2 para. 34 and cross heading inserted (1.9.1996) by 1996 c. 49, s. 12(1), **Sch. 2 para.12**; S.I. 1996/2053, art. 2, **Sch. Pt.II**

- <sup>F191</sup>34 (1) Paragraph 22 above shall apply in relation to a person—
- (a) directions for whose removal from the United Kingdom are for the time being in force; and
  - (b) who is for the time being detained under Part I of this Schedule,
- as it applies in relation to a person detained under paragraph 16(1) above pending examination [<sup>F192</sup>, detained under paragraph 16(1A) above pending completion of his examination or a decision on whether to cancel his leave to enter]]or detained under paragraph 16(2) above pending the giving of directions.
- (2) Paragraphs 23 to 25 above shall apply as if any reference to paragraph 22 above included a reference to that paragraph as it applies by virtue of this paragraph.

#### Textual Amendments

**F191** Sch. 2 para. 34 and cross heading inserted (1.9.1996) by 1996 c. 49, s. 12(1), **Sch. 2 para. 12**; S.I. 1996/2053, art. 2, **Sch. Pt. II**

**F192** Words in Sch. 2 para. 34(1) inserted (14.2.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, 67; S.I. 2000/168, art. 2, **Sch**

## SCHEDULE 3 **U.K.**

Section 5.

### SUPPLEMENTARY PROVISIONS AS TO DEPORTATION

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

- C81** Schs. 2-4 extended (with modifications) to Guernsey (1.8.1993) by S.I. 1993/1796, art. 3(1), **Sch. 1 Pt. I**  
Schs. 2-4 extended (with modifications) to Jersey (1.8.1993) by S.I. 1993/1797, art. 3(1), **Sch. 1 Pt. I**  
(as amended (17.10.2012) by S.I. 2012/2593, arts. 1, 2(2))  
Sch. 3 modified (2.8.1993) by S.I. 1993/1813, arts. 7(1), 1, **Sch. 4 para. 1(12)**  
Sch. 3 amended (2.10.2000) by 1999 c. 33, s. 58(3), **Sch. 4 Pt. II para. 15**; S.I. 2000/2444, art. 2, **Sch**  
(subject to transitional provisions in art. 3, Sch. 2 para. 2)  
Sch. 3 applied (with modifications) (2.10.2000) by 1999 c. 33, s. 58(3), **Sch. 4 Pt. II para. 12**; S.I. 2000/2444, art. 2, **Sch** (subject to transitional provisions in art. 3, Sch. 2 para. 2)  
Sch. 3 applied (2.10.2000 with application as mentioned in reg. 9) by S.I. 2000/2326, **reg. 26(3)**  
Sch. 3 restricted (2.10.2000 with application as mentioned in regs. 9, 28) by S.I. 2000/2326, **reg. 32(2)(7)** (as substituted (1.4.2003) for reg. 34(2)(10) by S.I. 2003/549, **reg. 2(8)** (with reg. 3))  
Sch. 3 applied (with modifications) (2.10.2000 with application as mentioned in regs. 9, 28) by S.I. 2000/2326, **reg. 32(3)(7)** (as substituted (1.4.2003) for reg. 34(3)(10) by S.I. 2003/549, **reg. 2(8)** (with reg. 3))
- C82** Sch. 3 applied (1.2.2017 for specified purposes) by **The Immigration (European Economic Area) Regulations 2016** (S.I. 2016/1052), **regs. 1(2)(b), 32(3), 40(4)**

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*Removal of persons liable to deportation*

- 1 (1) Where a deportation order is in force against any person, the Secretary of State may give directions for his removal to a country or territory specified in the directions being either—
- (a) a country of which he is a national or citizen; or
  - (b) a country or territory to which there is reason to believe that he will be admitted.
- (2) The directions under sub-paragraph (1) above may be either—
- (a) directions given to the captain of a ship or aircraft about to leave the United Kingdom requiring him to remove the person in question in that ship or aircraft; or
  - (b) directions given to the owners or agents of any ship or aircraft requiring them to make arrangements for his removal in a ship or aircraft specified or indicated in the directions; or
  - (c) directions for his removal in accordance with arrangements to be made by the Secretary of State.
- (3) In relation to directions given under this paragraph, paragraphs 11 and 16(4) of Schedule 2 to this Act shall apply, with the substitution of references to the Secretary of State for references to an immigration officer, as they apply in relation to directions for removal given under paragraph 8 of that Schedule.
- (4) The Secretary of State, if he thinks fit, may apply in or towards payment of the expenses of or incidental to the voyage from the United Kingdom of a person against whom a deportation order is in force, or the maintenance until departure of such a person and his dependants, if any, any money belonging to that person; and except so far as they are paid as aforesaid, those expenses shall be defrayed by the Secretary of State.

*Detention or control pending deportation*

- 2 (1) Where a recommendation for deportation made by a court is in force in respect of any person, [<sup>F193</sup>and that person is not detained in pursuance of the sentence or order of any court], he shall, unless the court by which the recommendation is made otherwise directs [<sup>F194</sup>or a direction is given under sub-paragraph (1A) below,] be detained pending the making of a deportation order in pursuance of the recommendation, unless the Secretary of State directs him to be released pending further consideration of his case [<sup>F195</sup>or he is released on bail].-

[<sup>F196</sup>(1A) Where—

- (a) a recommendation for deportation made by a court on conviction of a person is in force in respect of him; and
- (b) he appeals against his conviction or against that recommendation,

the powers that the court determining the appeal may exercise include power to direct him to be released without setting aside the recommendation.]

- (2) Where notice has been given to a person in accordance with regulations under [<sup>F197</sup>section 105 of the Nationality, Immigration and Asylum Act 2002 (notice of decision)] of a decision to make a deportation order against him, [<sup>F198</sup>and he is not detained in pursuance of the sentence or order of a court], he may be detained under the authority of the Secretary of State pending the making of the deportation order.

*Status: Point in time view as at 31/07/2017.*

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- (3) Where a deportation order is in force against any person, he may be detained under the authority of the Secretary of State pending his removal or departure from the United Kingdom (and if already detained by virtue of sub-paragraph (1) or (2) above when the order is made, shall continue to be detained unless [<sup>F199</sup>he is released on bail or] the Secretary of State directs otherwise).
- (4) In relation to detention under sub-paragraph (2) or (3) above, paragraphs 17 [<sup>F200</sup>[<sup>F201</sup>to 18A] and 25A to 25E] of Schedule 2 to this Act shall apply as they apply in relation to detention under paragraph 16 of that Schedule [<sup>F202</sup>; and for that purpose the reference in paragraph 17(1) to a person liable to detention includes a reference to a person who would be liable to detention upon receipt of a notice which is ready to be given to him.]
- [<sup>F203</sup>(4ZA) The detention under sub-paragraph (1), (2) or (3) of a person to whom section 60 (limitation on detention of pregnant women) of the Immigration Act 2016 applies is subject to that section.]
- [<sup>F204</sup>(4A) Paragraphs 22 to 25 of Schedule 2 to this Act apply in relation to a person detained under sub-paragraph (1), (2) or (3) as they apply in relation to a person detained under paragraph 16 of that Schedule.]
- [<sup>F205</sup>(5) A person to whom this sub-paragraph applies shall be subject to such restrictions as to residence [<sup>F206</sup>, as to his employment or occupation] and as to reporting to the police [<sup>F207</sup>or an immigration officer] as may from time to time be notified to him in writing by the Secretary of State.
- (6) The persons to whom sub-paragraph (5) above applies are—
- a person liable to be detained under sub-paragraph (1) above, while by virtue of a direction of the Secretary of State he is not so detained; and
  - a person liable to be detained under sub-paragraph (2) or (3) above, while he is not so detained.]

#### Textual Amendments

- F193** Words in Sch. 3 para. 2(1) substituted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), s. 34\(1\)](#); S.I. 2004/2523, [art. 2](#), Sch.
- F194** Words inserted by [Criminal Justice Act 1982 \(c. 48\), s. 80\(2\)](#), [Sch. 10 para. 1 \(a\)](#)
- F195** Words in Sch. 3 para. 2(1) inserted (10.2.2003) by 1999 c. 33, s. 54(1)(2); S.I. 2003/2, [art. 2](#), Sch.
- F196** Para. 2(1A) inserted by [Criminal Justices Act 1982 \(c. 48\), s. 80\(2\)](#), [Sch. 10 para. 1 \(b\)](#)
- F197** Words in Sch. 3 para. 2(2) substituted (1.4.2003) by 2002 c. 41, s. 114, [Sch. 7 para. 7 \(with s. 159\)](#); S.I. 2003/754, [art. 2](#), [Sch. 1](#) (with transitional provisions in arts. 3, 4, [Sch. 2 \(as amended by S.I. 2003/1040 and 2003/1339\)](#))
- F198** Words in Sch. 3 para. 2(2) substituted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), s. 34\(2\)](#); S.I. 2004/2523, [art. 2](#), Sch.
- F199** Words in Sch. 3 para. 2(3) inserted (10.2.2003) by 1999 c. 33, s. 54(1)(3); S.I. 2003/2, [art. 2](#), Sch.
- F200** Words in Sch. 3 para. 2(4) substituted (14.2.2000) by 1999 c. 33, s. 169(1), [Sch. 14 paras. 43, 68](#); S.I. 2000/168, [art. 2](#), [Sch.](#) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, [art. 2](#), [Sch.](#))
- F201** Words in Sch. 3 para. 2(4) substituted (28.7.2014) by [Immigration Act 2014 \(c. 22\), s. 75\(3\)](#), [Sch. 1 para. 2\(2\)](#); S.I. 2014/1820, [art. 3\(y\)](#)
- F202** Words in Sch. 3 para. 2(4) inserted (31.8.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\), s. 53](#); S.I. 2006/2226, [art. 3](#), [Sch. 1](#) (subject to transitional provisions in [art. 4](#))

*Status: Point in time view as at 31/07/2017.*

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- F203** Sch. 3 para. 2(4ZA) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), **ss. 60(11)**, 94(1); S.I. 2016/603, reg. 3(m)
- F204** Sch. 3 para. 2(4A) inserted (10.2.2003) by 1999 c. 33, s. 54(1)(4); S.I. 2003/2, **art. 2**, Sch.
- F205** Para. 2(5)(6) substituted for para. 2(5) by [Criminal Justice Act 1982 \(c. 48\)](#), s. 80(2), **Sch. 10 para. 1 (c)**
- F206** Words inserted by [Immigration Act 1988 \(c. 14, SIF 62\)](#), s. 10, **Sch. para. 10(2)(4)**
- F207** Words in Sch. 3 para. 2(5) inserted (1.10.1996) by 1996 c. 49, s. 12(1), **Sch. 2 para. 13**; S.I. 1996/2053, art. 2, **Sch. Pt. II**

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

- C83** Sch. 3 para. 2(3)(4)(6) amended (26.7.1993) by 1993 c. 23, s. 7(4); S.I. 1993/1655, **art. 2**  
 Sch. 3 para. 2 extended (14.12.2001) by 2001 c. 24, s. 23(2)(b)
- C84** Sch. 3 para. 2(5) applied (1.8.2008 for certain purposes and otherwise prosp.) by [UK Borders Act 2007 \(c. 30\)](#), **ss. 36(5)**, 59; S.I. 2008/1818, **art. 2(a)**, Sch.

*Effect of appeals*

- [<sup>F208</sup>3 So far as they relate to an appeal under section 82(1) of the Nationality, Immigration and Asylum Act 2002 against a decision [<sup>F209</sup>that relates to a deportation order] and refusal to revoke deportation order), paragraphs 29 to [<sup>F210</sup>33A] of Schedule 2 to this Act shall apply for the purposes of this Schedule as if the reference in paragraph 29(1) to Part I of that Schedule were a reference to this Schedule.]

**Textual Amendments**

- F208** Sch. 3 para. 3 substituted (1.4.2003) by 2002 c. 41, s. 114, **Sch. 7 para. 8** (with s. 159); S.I. 2003/754, **art. 2**, **Sch. 1** (with transitional provisions in arts. 3, 4, Sch. 2 (as amended by S.I. 2003/1040 and 2003/1339))
- F209** Words in Sch. 3 para. 3 substituted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 9 para. 24**; S.I. 2014/2771, **art. 2(e)** (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9))
- F210** Word in Sch. 3 para. 3 substituted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 9 para. 9**; S.I. 2014/2771, **art. 2(e)** (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9))

*Powers of courts pending deportation*

- [<sup>F211</sup>4 Where the release of a person recommended for deportation is directed by a court, he shall be subject to such restrictions as to residence [<sup>F212</sup>, as to his employment or occupation] and as to reporting to the police as the court may direct.]

**Textual Amendments**

- F211** Paras. 4—10 added (31.1.1983) by [Criminal Justice Act 1982 \(c. 48\)](#), s. 80(2), **Sch. 10 para. 2**
- F212** Words inserted by [Immigration Act 1988 \(c. 14, SIF 62\)](#), s. 10, **Sch. para. 10(2)(4)**

- 5 (1) On an application made—
- (a) by or on behalf of a person recommended for deportation whose release was so directed; or
  - (b) by a constable; or



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- (c) by an immigration officer,  
the appropriate court shall have the powers specified in sub-paragraph (2) below.
- (2) The powers mentioned in sub-paragraph (1) above are—
- (a) if the person to whom the application relates is not subject to any such restrictions imposed by a court as are mentioned in paragraph 4 above, to order that he shall be subject to any such restrictions as the court may direct; and
- (b) if he is subject to such restrictions imposed by a court by virtue of that paragraph or this paragraph—
- (i) to direct that any of them shall be varied or shall cease to have effect; or
- (ii) to give further directions as to his residence and reporting.
- 6 (1) In this Schedule “the appropriate court” means, except in a case to which sub-paragraph (2) below applies, the court which directed release.
- (2) This sub-paragraph applies where the court which directed release was—
- (a) the Crown Court;
- (b) the Court of Appeal;
- (c) the High Court of Justiciary;
- (d) the Crown Court in Northern Ireland; or
- (e) the Court of Appeal in Northern Ireland.
- [<sup>F213</sup>(2A) Where the Crown Court directed release, the appropriate court is that court or a magistrates' court.]
- (3) Where <sup>F214</sup> . . . the Crown Court in Northern Ireland directed release, the appropriate court is—
- (a) the court that directed release; or
- (b) a magistrates' court <sup>F215</sup>....
- (4) Where the Court of Appeal or the Court of Appeal in Northern Ireland gave the direction, the appropriate court is the Crown Court or the Crown Court in Northern Ireland, as the case may be.
- (5) Where the High Court of Justiciary directed release, the appropriate court is—
- (a) that court; or
- (b) in a case where release was directed by that court on appeal, the court from which the appeal was made.

#### Textual Amendments

**F213** Sch. 3 para. 6(2A) inserted (1.4.2005) by Courts Act 2003 (c. 39), s. 109(1), **Sch. 8 para. 150(2)**; S.I. 2005/910, **art. 3(y)(bb)**

**F214** Words in Sch. 3 para. 6(3) repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 109(1)(3), **Sch. 8 para. 150(3)**, **Sch. 10**; S.I. 2005/910, **art. 3(y)(bb)**

**F215** Words in Sch. 3 para. 6(3)(b) repealed (N.I.) (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 64(4)(a), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, **art. 2(k)(l)** (with art. 3)

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- 7 (1) A constable or immigration officer may arrest without warrant any person who is subject to restrictions imposed by a court under this Schedule and who at the time of the arrest is in the relevant part of the United Kingdom—
- (a) if he has reasonable grounds to suspect that that person is contravening or has contravened any of those restrictions; or
  - (b) if he has reasonable grounds for believing that that person is likely to contravene any of them.
- (2) In sub-paragraph (1) above “the relevant part of the United Kingdom” means—
- (a) England and Wales, in a case where a court with jurisdiction in England or Wales imposed the restrictions;
  - (b) Scotland, in a case where a court with jurisdiction in Scotland imposed them; and
  - (c) Northern Ireland, in a case where a court in Northern Ireland imposed them.
- 8 (1) A person arrested in [<sup>F216</sup>England or Wales in pursuance of paragraph 7 above shall be brought as soon as practicable and in any event within twenty-four hours after his arrest before a justice of the peace in England or Wales, and a person arrested in] Northern Ireland in pursuance of paragraph 7 above shall be brought as soon as practicable and in any event within 24 hours after his arrest before a justice of the peace for <sup>F217</sup>....
- (2) In reckoning for the purposes of this paragraph any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.

#### Textual Amendments

**F216** Words in Sch. 3 para. 8(1) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 109(1), **Sch. 8 para. 150(4)(a)**; [S.I. 2005/910](#), **art. 3(y)(bb)**

**F217** Words in Sch. 3 para. 8(1) repealed (N.I.) (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), **Sch. 1 para. 64(4)(b)**, **Sch. 9 Pt. 1** (with [Sch. 8 para. 1](#)); [S.R. 2016/387](#), **art. 2(k)(l)** (with [art. 3](#))

- 9 (1) A person arrested in Scotland in pursuance of paragraph 7 above shall wherever practicable be brought before the appropriate court not later than in the course of the first day after his arrest, such day not being a Saturday, a Sunday or a court holiday prescribed for that court under section 10 of the <sup>M3</sup>Bail etc. (Scotland) Act 1980.
- (2) Nothing in this paragraph shall prevent a person arrested in Scotland being brought before a court on a Saturday, a Sunday or such a court holiday as is mentioned in sub-paragraph (1) above where the court is, in pursuance of section 10 of the said Act of 1980, sitting on such day for the disposal of criminal business.

#### Marginal Citations

**M3** 1980 c. 40.

- 10 Any justice of the peace or court before whom a person is brought by virtue of paragraph 8 or 9 above—
- (a) if of the opinion that that person is contravening, has contravened or is likely to contravene any restriction imposed on him by a court under this Schedule, may direct—
    - (i) that he be detained; or

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- (ii) that he be released subject to such restrictions as to his residence and reporting to the police as the court may direct; and
- (b) if not of that opinion, shall release him without altering the restrictions as to his residence and his reporting to the police.

## SCHEDULE 4 **U.K.**

Section 9.

### INTEGRATION WITH UNITED KINGDOM LAW OF IMMIGRATION LAW OF ISLANDS

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

**C85** Sch. 4 extended (with modifications) (1.8.1993) by [S.I. 1993/1796](#), art 3(1), Sch. 1 Pt. I (Guernsey), [S.I. 1993/1797](#), art. 3(1), Sch. 1 Pt. I (Jersey) (as amended (17.10.2012) by [S.I. 2012/2593](#), [arts. 1, 2\(2\)](#))

#### *Leave to enter*

- 1 (1) Where under the immigration laws of any of the Islands a person is or has been given leave to enter or remain in the island, or is or has been refused leave, this Act shall have effect in relation to him, if he is not [<sup>F218</sup>a British citizen], as if the leave were leave (of like duration) given under this Act to enter or remain in the United Kingdom, or, as the case may be, as if he had under this Act been refused leave to enter the United Kingdom.
- (2) Where under the immigration laws of any of the Islands a person has a limited leave to enter or remain in the island subject to any such conditions as are authorised in the United Kingdom by section 3(1) of this Act (being conditions imposed by notice given to him, whether the notice of leave or a subsequent notice), then on his coming to the United Kingdom this Act shall apply, if he is not [<sup>F218</sup>a British citizen], as if those conditions related to his stay in the United Kingdom and had been imposed by notice under this Act.
- (3) Without prejudice to the generality of sub-paragraphs (1) and (2) above, anything having effect in the United Kingdom by virtue of either of those sub-paragraphs may in relation to the United Kingdom be varied or revoked under this Act in like manner, and subject to the like appeal (if any), as if it had originated under this Act as mentioned in that sub-paragraph.
- (4) Where anything having effect in the United Kingdom by virtue of sub-paragraph (1) or (2) above ceases to have effect or is altered in effect as mentioned in sub-paragraph (3) or otherwise by anything done under this Act, sub-paragraph (1) or (2) shall not thereafter apply to it or, as the case may be, shall apply to it as so altered in effect.
- (5) Nothing in this paragraph shall be taken as conferring on a person a right of appeal under this Act against any decision or action taken in any of the Islands.

#### Textual Amendments

**F218** Words substituted by [British Nationality Act 1981 \(c. 61\)](#), s. 52(7), [Sch. 4 para. 2](#) (with [Sch. 8 para. 8](#))

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- 2 Notwithstanding section 3(4) of this Act, leave given to a person under this Act to enter or remain in the United Kingdom shall not continue to apply on his return to the United Kingdom after an absence if he has during that absence entered any of the Islands in circumstances in which he is required under the immigration laws of that island to obtain leave to enter.

#### *Deportation*

- [<sup>F219</sup>3 (1) This Act has effect in relation to a person who is subject to an Islands deportation order as if the order were a deportation order made against him under this Act.
- (2) Sub-paragraph (1) does not apply if the person concerned is—
- (a) a British citizen;
  - (b) an EEA national;
  - (c) a member of the family of an EEA national; or
  - (d) a member of the family of a British citizen who is neither such a citizen nor an EEA national.
- (3) The Secretary of State does not, as a result of sub-paragraph (1), have power to revoke an Islands deportation order.
- (4) In any particular case, the Secretary of State may direct that paragraph (b), (c) or (d) of sub-paragraph (2) is not to apply in relation to the Islands deportation order.
- (5) Nothing in this paragraph makes it unlawful for a person in respect of whom an Islands deportation order is in force in any of the Islands to enter the United Kingdom on his way from that island to a place outside the United Kingdom.
- (6) “Islands deportation order” means an order made under the immigration laws of any of the Islands under which a person is, or has been, ordered to leave the island and forbidden to return.
- (7) Subsections (10) and (12) to (14) of section 80 of the Immigration and Asylum Act 1999 apply for the purposes of this section as they apply for the purposes of that section.]

#### **Textual Amendments**

**F219** Sch. 4 para. 3 substituted (2.10.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, 70; S.I. 2000/2444, art. 2, Sch (subject to transitional provisions in art. 3, Sch. 2 para. 2)

#### *Illegal entrants*

- 4 Notwithstanding anything in section 1(3) of this Act, it shall not be lawful for a person who is not [<sup>F220</sup>a British citizen] to enter the United Kingdom from any of the Islands where his presence was unlawful under the immigration laws of that island, unless he is given leave to enter.

#### **Textual Amendments**

**F220** Words substituted by British Nationality Act 1981 (c. 61), s. 52(7), Sch. 4 para. 2 (with Sch. 8 para. 8)

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[<sup>F221</sup>SCHEDULE 4A U.K.]

Sections 28M, 28N and 28O

ENFORCEMENT POWERS IN RELATION TO SHIPS

**Textual Amendments**

**F221** Sch. 4A inserted (31.5.2016) by Immigration Act 2016 (c. 19), s. 94(1), Sch. 14 para. 8; S.I. 2016/603, reg. 2(d)

**PART 1 U.K.**

ENGLAND AND WALES

*Introductory*

- 1 (1) This Part of this Schedule sets out the powers exercisable by immigration officers, English and Welsh constables and enforcement officers (referred to in this Part of this Schedule as “relevant officers”) under sections 28M and 28P(1).
- (2) In this Part of this Schedule—
- “items subject to legal privilege” has the same meaning as in the Police and Criminal Evidence Act 1984 (see section 10 of that Act);
- “the ship” means the ship in relation to which the powers set out in this Part of this Schedule are exercised.

*Power to stop, board, divert and detain*

- 2 (1) This paragraph applies if a relevant officer has reasonable grounds to suspect that—
- (a) an offence under section 25, 25A or 25B is being, or has been, committed on the ship, or
- (b) the ship is otherwise being used in connection with the commission of an offence under any of those sections.
- (2) The relevant officer may—
- (a) stop the ship;
- (b) board the ship;
- (c) require the ship to be taken to a port in the United Kingdom and detained there.
- (3) The relevant officer may require the master of the ship, or any member of its crew, to take such action as is necessary for the purposes of sub-paragraph (2)(c).
- (4) A relevant officer must give notice in writing to the master of any ship detained under this paragraph.
- (5) The notice must state that the ship is to be detained until the notice is withdrawn by the giving of a further notice in writing signed by a relevant officer.

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*Power to search and obtain information*

- 3 (1) This paragraph applies if a relevant officer has reasonable grounds to suspect that there is evidence on the ship (other than items subject to legal privilege) relating—
- (a) to an offence under section 25, 25A and 25B, or
  - (b) to an offence that is connected with an offence under any of those sections.
- (2) The relevant officer may search—
- (a) the ship;
  - (b) anyone on the ship;
  - (c) anything on the ship (including cargo).
- (3) The relevant officer may require a person on the ship to give information about himself or herself or about anything on the ship.
- (4) The power to search conferred by sub-paragraph (2)—
- (a) is only a power to search to the extent that it is reasonably required for the purpose of discovering evidence of the kind mentioned in sub-paragraph (1), and
  - (b) in the case of a search of a person, does not authorise a relevant officer to require the person to remove any clothing in public other than an outer coat, jacket or gloves.
- (5) In exercising a power conferred by sub-paragraph (2) or (3) a relevant officer may—
- (a) open any containers;
  - (b) require the production of documents, books or records relating to the ship or anything on it (but not including anything the relevant officer has reasonable grounds to believe to be an item subject to legal privilege);
  - (c) make photographs or copies of anything the production of which the relevant officer has power to require.
- (6) The power in sub-paragraph (5)(b) to require the production of documents, books or records includes, in relation to documents, books or records kept in electronic form, power to require the provision of the documents, books or records in a form in which they are legible and can be taken away.
- (7) Sub-paragraph (5) is without prejudice to the generality of the powers conferred by sub-paragraphs (2) and (3).
- (8) A power conferred by this paragraph may be exercised on the ship or elsewhere.

*Power of arrest and seizure*

- 4 (1) This paragraph applies if a relevant officer has reasonable grounds to suspect that an offence under section 25, 25A or 25B has been, or is being, committed on the ship.
- (2) The relevant officer may arrest without warrant anyone whom the constable or officer has reasonable grounds for suspecting to be guilty of the offence.
- (3) The relevant officer may seize and retain anything found on the ship which appears to the officer to be evidence of the offence (but not including anything that the constable or officer has reasonable grounds to believe to be an item subject to legal privilege).
- (4) A power conferred by this paragraph may be exercised on the ship or elsewhere.

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### *Protective searches of persons*

- 5 (1) A relevant officer may search a person found on the ship for anything which the officer has reasonable grounds to believe the person might use to—
- (a) cause physical injury,
  - (b) cause damage to property, or
  - (c) endanger the safety of any ship.
- (2) The power conferred by sub-paragraph (1) may be exercised—
- (a) only if the officer has reasonable grounds to believe that anything of a kind mentioned in that sub-paragraph is concealed on the person; and
  - (b) only to the extent that it is reasonably required for the purpose of discovering any such thing.
- (3) The relevant officer may seize and retain anything which the officer has reasonable grounds to believe might—
- (a) cause physical injury,
  - (b) cause damage to property, or
  - (c) endanger the safety of any ship.
- (4) If the person is detained, nothing seized under sub-paragraph (3) may be retained when the person is released from detention.
- (5) A power conferred by this paragraph to search a person does not authorise a relevant officer to require the person to remove any clothing in public other than an outer coat, jacket or gloves, but it does authorise the search of a person's mouth.
- (6) A power conferred by this paragraph may be exercised on the ship or elsewhere.

### *Search for nationality documents*

- 6 (1) A relevant officer may require a person found on the ship to produce a nationality document.
- (2) The relevant officer may search a person found on the ship where the officer has reasonable grounds to believe that a nationality document is concealed on the person.
- (3) The power conferred by sub-paragraph (2) may be exercised—
- (a) only if the officer has reasonable grounds to believe that a nationality document is concealed on the person; and
  - (b) only to the extent that it is reasonably required for the purpose of discovering any such document.
- (4) Subject as follows, the officer may seize and retain a nationality document for as long as the officer believes the person to whom it relates will arrive in the United Kingdom by virtue of the exercise of the power in paragraph 2.
- (5) The power to retain a nationality document in sub-paragraph (4) does not affect any other power of an immigration officer to retain a document.
- (6) Where the nationality document has been seized and retained by a relevant officer who is not an immigration officer, the document must be passed to an immigration officer as soon as is practicable after the ship has arrived in the United Kingdom.

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- (7) The power conferred by this paragraph to search a person does not authorise a relevant officer to—
- (a) require the person to remove any clothing in public other than an outer coat, jacket or gloves, or
  - (b) seize and retain any document the officer has reasonable grounds to believe to be an item subject to legal privilege.
- (8) In this paragraph a “nationality document”, in relation to a person, means any document which might—
- (a) establish the person's identity, nationality or citizenship, or
  - (b) indicate the place from which the person has travelled to the United Kingdom or to which the person is proposing to go.
- (9) A power conferred by this paragraph may be exercised on the ship or elsewhere.

#### *Assistants*

- 7 (1) A relevant officer may—
- (a) be accompanied by other persons, and
  - (b) take equipment or materials,
- to assist the officer in the exercise of powers under this Part of this Schedule.
- (2) A person accompanying a relevant officer under sub-paragraph (1) may perform any of the officer's functions under this Part of this Schedule, but only under the officer's supervision.

#### *Reasonable force*

- 8 A relevant officer may use reasonable force, if necessary, in the performance of functions under this Part of this Schedule.

#### *Evidence of authority*

- 9 A relevant officer must produce evidence of the officer's authority if asked to do so.

#### *Protection of relevant officers*

- 10 A relevant officer is not liable in any criminal or civil proceedings for anything done in the purported performance of functions under this Part of this Schedule if the court is satisfied that—
- (a) the act was done in good faith, and
  - (b) there were reasonable grounds for doing it.

#### *Offences*

- 11 (1) A person commits an offence under the law of England and Wales if the person—
- (a) intentionally obstructs a relevant officer in the performance of functions under this Part of this Schedule, or
  - (b) fails without reasonable excuse to comply with a requirement made by a relevant officer in the performance of those functions.



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- (2) A person who provides information in response to a requirement made by a relevant officer in the performance of functions under this Part of this Schedule commits an offence under the law of England and Wales if—
  - (a) the information is false in a material particular, and the person either knows it is or is reckless as to whether it is, or
  - (b) the person intentionally fails to disclose any material particular.
- (3) A relevant officer may arrest without warrant anyone whom the officer has reasonable grounds for suspecting to be guilty of an offence under this paragraph.
- (4) A person guilty of an offence under this paragraph is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, to a fine or to both.
- (5) In the application of sub-paragraph (4) in relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 the reference to 51 weeks is to be read as a reference to 6 months.

## PART 2 U.K.

### SCOTLAND

#### *Introductory*

- 12 (1) This Part of this Schedule sets out the powers exercisable by immigration officers, Scottish constables and enforcement officers (referred to in this Part of this Schedule as “relevant officers”) under sections 28N and 28P(3).
- (2) In this Part of this Schedule—
  - “items subject to legal privilege” has the same meaning as in Chapter 3 of Part 8 of the Proceeds of Crime Act 2002 (see section 412 of that Act);
  - “the ship” means the ship in relation to which the powers set out in this Part of this Schedule are exercised.

#### *Power to stop, board, divert and detain*

- 13 (1) This paragraph applies if a relevant officer has reasonable grounds to suspect that—
  - (a) an offence under section 25, 25A or 25B is being, or has been, committed on the ship, or
  - (b) the ship is otherwise being used in connection with the commission of an offence under any of those sections.
- (2) The relevant officer may—
  - (a) stop the ship;
  - (b) board the ship;
  - (c) require the ship to be taken to a port in the United Kingdom and detained there.
- (3) The relevant officer may require the master of the ship, or any member of its crew, to take such action as is necessary for the purposes of sub-paragraph (2)(c).
- (4) A relevant officer must give notice in writing to the master of any ship detained under this paragraph.

*Status: Point in time view as at 31/07/2017.*

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- (5) The notice must state that the ship is to be detained until the notice is withdrawn by the giving of a further notice in writing signed by a relevant officer.

*Power to search and obtain information*

- 14 (1) This paragraph applies if a relevant officer has reasonable grounds to suspect that there is evidence on the ship (other than items subject to legal privilege) relating—
- (a) to an offence under section 25, 25A or 25B, or
  - (b) to an offence that is connected with an offence under any of those sections.
- (2) The relevant officer may search—
- (a) the ship;
  - (b) anyone on the ship;
  - (c) anything on the ship (including cargo).
- (3) The relevant officer may require a person on the ship to give information about himself or herself or about anything on the ship.
- (4) The power to search conferred by sub-paragraph (2)—
- (a) is only a power to search to the extent that it is reasonably required for the purpose of discovering evidence of the kind mentioned in sub-paragraph (1), and
  - (b) in the case of a search of a person, does not authorise a relevant officer to require the person to remove any clothing in public other than an outer coat, jacket or gloves.
- (5) In exercising a power conferred by sub-paragraph (2) or (3) a relevant officer may—
- (a) open any containers;
  - (b) require the production of documents, books or records relating to the ship or anything on it (but not including anything the relevant officer has reasonable grounds to believe to be an item subject to legal privilege);
  - (c) make photographs or copies of anything the production of which the relevant officer has power to require.
- (6) The power in sub-paragraph (5)(b) to require the production of documents, books or records includes, in relation to documents, books or records kept in electronic form, power to require the provision of the documents, books or records in a form in which they are legible and can be taken away.
- (7) Sub-paragraph (5) is without prejudice to the generality of the powers conferred by sub-paragraphs (2) and (3).
- (8) A power conferred by this paragraph may be exercised on the ship or elsewhere.

*Power of arrest and seizure*

- 15 (1) This paragraph applies if a relevant officer has reasonable grounds to suspect that an offence under section 25, 25A or 25B has been, or is being, committed on the ship.
- (2) The relevant officer may arrest without warrant anyone whom the officer has reasonable grounds for suspecting to be guilty of the offence.

*Status: Point in time view as at 31/07/2017.*

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- (3) The relevant officer may seize and retain anything found on the ship which appears to the officer to be evidence of the offence (but not including anything that the officer has reasonable grounds to believe to be an item subject to legal privilege).
- (4) A power conferred by this paragraph may be exercised on the ship or elsewhere.

#### *Protective searches of persons*

- 16 (1) The relevant officer may search a person found on the ship for anything which the officer has reasonable grounds to believe the person might use to—
  - (a) cause physical injury,
  - (b) cause damage to property, or
  - (c) endanger the safety of any ship.
- (2) The power conferred by sub-paragraph (1) may be exercised—
  - (a) only if the officer has reasonable grounds to believe that anything of a kind mentioned in that sub-paragraph is concealed on the person; and
  - (b) only to the extent that it is reasonably required for the purpose of discovering any such thing.
- (3) The relevant officer may seize and retain anything which the officer has reasonable grounds to believe might—
  - (a) cause physical injury,
  - (b) cause damage to property, or
  - (c) endanger the safety of any ship.
- (4) If the person is detained, nothing seized under sub-paragraph (3) may be retained when the person is released from detention.
- (5) A power conferred by this paragraph to search a person does not authorise a relevant officer to require the person to remove any clothing in public other than an outer coat, jacket or gloves, but it does authorise the search of a person's mouth.
- (6) A power conferred by this paragraph may be exercised on the ship or elsewhere.

#### *Search for nationality documents*

- 17 (1) The relevant officer may require a person found on the ship to produce a nationality document.
- (2) The relevant officer may search a person found on the ship where the officer has reasonable grounds to believe that a nationality document is concealed on the person.
- (3) The power conferred by sub-paragraph (2) may be exercised—
  - (a) only if the officer has reasonable grounds to believe that a nationality document is concealed on the person; and
  - (b) only to the extent that it is reasonably required for the purpose of discovering any such document.
- (4) Subject as follows, the officer may seize and retain a nationality document for as long as the officer believes the person to whom it relates will arrive in the United Kingdom by virtue of the exercise of the power in paragraph 13.

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- (5) The power to retain a nationality document in sub-paragraph (4) does not affect any other power of an immigration officer to retain a document.
- (6) Where the nationality document has been seized and retained by a relevant officer who is not an immigration officer, the document must be passed to an immigration officer as soon as is practicable after the ship has arrived in the United Kingdom.
- (7) The power conferred by this paragraph to search a person does not authorise a relevant officer to—
  - (a) require the person to remove any clothing in public other than an outer coat, jacket or gloves, or
  - (b) seize and retain any document the officer has reasonable grounds to believe to be an item subject to legal privilege.
- (8) In this paragraph a “nationality document”, in relation to a person, means any document which might—
  - (a) establish the person's identity, nationality or citizenship, or
  - (b) indicate the place from which the person has travelled to the United Kingdom or to which the person is proposing to go.
- (9) A power conferred by this paragraph may be exercised on the ship or elsewhere.

#### *Assistants*

- 18 (1) A relevant officer may—
  - (a) be accompanied by other persons, and
  - (b) take equipment or materials,
 to assist the officer in the exercise of powers under this Part of this Schedule.
- (2) A person accompanying a relevant officer under sub-paragraph (1) may perform any of the officer's functions under this Part of this Schedule, but only under the officer's supervision.

#### *Reasonable force*

- 19 A relevant officer may use reasonable force, if necessary, in the performance of functions under this Part of this Schedule.

#### *Evidence of authority*

- 20 A relevant officer must produce evidence of the officer's authority if asked to do so.

#### *Protection of relevant officers*

- 21 A relevant officer is not liable in any criminal or civil proceedings for anything done in the purported performance of functions under this Part of this Schedule if the court is satisfied that—
  - (a) the act was done in good faith, and
  - (b) there were reasonable grounds for doing it.

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### *Offences*

- 22 (1) A person commits an offence under the law of Scotland if the person—
- (a) intentionally obstructs a relevant officer in the performance of functions under this Part of this Schedule, or
  - (b) fails without reasonable excuse to comply with a requirement made by a relevant officer in the performance of those functions.
- (2) A person who provides information in response to a requirement made by a relevant officer in the performance of functions under this Part of this Schedule commits an offence under the law of Scotland if—
- (a) the information is false in a material particular, and the person either knows it is or is reckless as to whether it is, or
  - (b) the person intentionally fails to disclose any material particular.
- (3) A relevant officer may arrest without warrant anyone whom the officer has reasonable grounds for suspecting to be guilty of an offence under this paragraph.
- (4) A person guilty of an offence under this paragraph is liable on summary conviction to imprisonment for a term not exceeding 12 months, to a fine not exceeding level 5 on the standard scale or to both.

## **PART 3** U.K.

### NORTHERN IRELAND

#### *Introductory*

- 23 (1) This Part of this Schedule sets out the powers exercisable by immigration officers, Northern Ireland constables and enforcement officers (referred to in this Part of this Schedule as “relevant officers”) under sections 28O and 28P(5).
- (2) In this Part of this Schedule—
- “items subject to legal privilege” has the same meaning as in the Police and Criminal Evidence (Northern Ireland) Order 1989 (SI 1989/1341 (NI 12)) (see Article 12 of that Order);
  - “the ship” means the ship in relation to which the powers set out in this Part of this Schedule are exercised.

#### *Power to stop, board, divert and detain*

- 24 (1) This paragraph applies if a relevant officer has reasonable grounds to suspect that—
- (a) an offence under section 25, 25A or 25B is being, or has been, committed on the ship, or
  - (b) the ship is otherwise being used in connection with the commission of an offence under any of those sections.
- (2) The relevant officer may—
- (a) stop the ship;
  - (b) board the ship;
  - (c) require the ship to be taken to a port in the United Kingdom and detained there.

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- (3) The relevant officer may require the master of the ship, or any member of its crew, to take such action as is necessary for the purposes of sub-paragraph (2)(c).
- (4) A relevant officer must give notice in writing to the master of any ship detained under this paragraph.
- (5) The notice must state that the ship is to be detained until the notice is withdrawn by the giving of a further notice in writing signed by a relevant officer.

*Power to search and obtain information*

- 25 (1) This paragraph applies if a relevant officer has reasonable grounds to suspect that there is evidence on the ship (other than items subject to legal privilege) relating—
- (a) to an offence under section 25, 25A or 25B, or
  - (b) to an offence that is connected with an offence under any of those sections.
- (2) The relevant officer may search—
- (a) the ship;
  - (b) anyone on the ship;
  - (c) anything on the ship (including cargo).
- (3) The relevant officer may require a person on the ship to give information about himself or herself or about anything on the ship.
- (4) The power to search conferred by sub-paragraph (2)—
- (a) is only a power to search to the extent that it is reasonably required for the purpose of discovering evidence of the kind mentioned in sub-paragraph (1), and
  - (b) in the case of a search of a person, does not authorise a relevant officer to require the person to remove any clothing in public other than an outer coat, jacket or gloves.
- (5) In exercising a power conferred by sub-paragraph (2) or (3) a relevant officer may—
- (a) open any containers;
  - (b) require the production of documents, books or records relating to the ship or anything on it (but not including anything the officer has reasonable grounds to believe to be an item subject to legal privilege);
  - (c) make photographs or copies of anything the production of which the officer has power to require.
- (6) The power in sub-paragraph (5)(b) to require the production of documents, books or records includes, in relation to documents, books or records kept in electronic form, power to require the provision of the documents, books or records in a form in which they are legible and can be taken away.
- (7) Sub-paragraph (5) is without prejudice to the generality of the powers conferred by sub-paragraphs (2) and (3).
- (8) A power conferred by this paragraph may be exercised on the ship or elsewhere.

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### *Power of arrest and seizure*

- 26 (1) This paragraph applies if a relevant officer has reasonable grounds to suspect that an offence under section 25, 25A or 25B has been, or is being, committed on the ship.
- (2) The relevant officer may arrest without warrant anyone whom the officer has reasonable grounds for suspecting to be guilty of the offence.
- (3) The relevant officer may seize and retain anything found on the ship which appears to the officer to be evidence of the offence (but not including anything that the constable or officer has reasonable grounds to believe to be an item subject to legal privilege).
- (4) A power conferred by this paragraph may be exercised on the ship or elsewhere.

### *Protective searches of persons*

- 27 (1) The relevant officer may search a person found on the ship for anything which the officer has reasonable grounds to believe the person might use to—
- (a) cause physical injury,
  - (b) cause damage to property, or
  - (c) endanger the safety of any ship.
- (2) The power conferred by sub-paragraph (1) may be exercised—
- (a) only if the officer has reasonable grounds to believe that anything of a kind mentioned in that sub-paragraph is concealed on the person; and
  - (b) only to the extent that it is reasonably required for the purpose of discovering any such thing.
- (3) The relevant officer may seize and retain anything which the officer has reasonable grounds to believe might—
- (a) cause physical injury,
  - (b) cause damage to property, or
  - (c) endanger the safety of any ship
- (4) If the person is detained, nothing seized under sub-paragraph (3) may be retained when the person is released from detention.
- (5) A power conferred by this paragraph to search a person does not authorise a relevant officer to require the person to remove any clothing in public other than an outer coat, jacket or gloves, but it does authorise the search of a person's mouth.
- (6) A power conferred by this paragraph may be exercised on the ship or elsewhere.

### *Search for nationality documents*

- 28 (1) The relevant officer may require a person found on the ship to produce a nationality document.
- (2) The relevant officer may search a person found on the ship where the officer has reasonable grounds to believe that a nationality document is concealed on the person.
- (3) The power conferred by sub-paragraph (2) may be exercised—
- (a) only if the officer has reasonable grounds to believe that a nationality document is concealed on the person; and

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- (b) only to the extent that it is reasonably required for the purpose of discovering any such document.
- (4) Subject as follows, the officer may seize and retain a nationality document for as long as the officer believes the person to whom it relates will arrive in the United Kingdom by virtue of the exercise of the power in paragraph 24.
- (5) The power to retain a nationality document in sub-paragraph (4) does not affect any other power of an immigration officer to retain a document.
- (6) Where the nationality document has been seized and retained by a relevant officer who is not an immigration officer, the document must be passed to an immigration officer as soon as is practicable after the ship has arrived in the United Kingdom.
- (7) The power conferred by this paragraph to search a person does not authorise a relevant officer to—
  - (a) require the person to remove any clothing in public other than an outer coat, jacket or gloves, or
  - (b) seize and retain any document the officer has reasonable grounds to believe to be an item subject to legal privilege.
- (8) In this paragraph a “nationality document”, in relation to a person, means any document which might—
  - (a) establish the person's identity, nationality or citizenship, or
  - (b) indicate the place from which the person has travelled to the United Kingdom or to which the person is proposing to go.
- (9) A power conferred by this paragraph may be exercised on the ship or elsewhere.

#### *Assistants*

- 29 (1) A relevant officer may—
- (a) be accompanied by other persons, and
  - (b) take equipment or materials,
- to assist the officer in the exercise of powers under this Part of this Schedule.
- (2) A person accompanying a relevant officer under sub-paragraph (1) may perform any of the officer's functions under this Part of this Schedule, but only under the officer's supervision.

#### *Reasonable force*

- 30 A relevant officer may use reasonable force, if necessary, in the performance of functions under this Part of this Schedule.

#### *Evidence of authority*

- 31 A relevant officer must produce evidence of the officer's authority if asked to do so.

#### *Protection of relevant officers*

- 32 A relevant officer is not liable in any criminal or civil proceedings for anything done in the purported performance of functions under this Part of this Schedule if the court is satisfied that—



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- (a) the act was done in good faith, and
- (b) there were reasonable grounds for doing it.

### Offences

- 33 (1) A person commits an offence under the law of Northern Ireland if the person—
- (a) intentionally obstructs a relevant officer in the performance of functions under this Part of this Schedule, or
  - (b) fails without reasonable excuse to comply with a requirement made by a relevant officer in the performance of those functions.
- (2) A person who provides information in response to a requirement made by a relevant officer in the performance of functions under this Part of this Schedule commits an offence under the law of Northern Ireland if—
- (a) the information is false in a material particular, and the person either knows it is or is reckless as to whether it is, or
  - (b) the person intentionally fails to disclose any material particular.
- (3) A relevant officer may arrest without warrant anyone whom the officer has reasonable grounds for suspecting to be guilty of an offence under this paragraph.
- (4) A person guilty of an offence under this paragraph is liable on summary conviction to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 5 on the standard scale or to both.]

<sup>F222</sup>SCHEDULE 5 U.K.

Section 12.

#### Textual Amendments

**F222** Sch. 5 repealed (14.2.2000) by 1999 c. 33, s. 169(3), **Sch. 16** (with s. 169(2), Sch. 15 para. 3(5)); S.I. 2000/168, art. 2, **Sch**

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

**C86** Ss. 18-21, 22(1)-(4)(6)(7), 23 and Sch. 5 amended (26.7.1993) by 1993 c. 23, s. 8(6), **Sch. 2 para. 4(2)(a)-(f)**; S.I. 1993/1655, art. 2  
Sch. 5 amended (1.9.1996) by 1996 c. 49, s. 3(4)(f); S.I. 1996/2053, art. 2, **Sch. Pt. II**

<sup>X1</sup>SCHEDULE 6 U.K.

Section 34.

### REPEALS

#### Editorial Information

**X1** The text of Sch. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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| Chapter                 | Short title                                  | Extent of repeal  |
|-------------------------|--|---|
| 4 & 5 Geo. 5. c. 12.    | The Aliens Restriction Act 1914.             | The whole Act.  |
| 9 & 10 Geo. 5. c. 92.   | The Aliens Restriction (Amendment) Act 1919. | Section 1.<br>Section 2(1).<br>Section 13(3).<br>Section 14(1).<br>Section 6(1).  |
| 11 & 12 Geo. 6. c. 56.  | The British Nationality Act 1948.            | In section 6(2), the words from "and, if" to "Act",<br>Section 8(1) from "and as if" onwards.   |
| 6 & 7 Eliz. 2. c. 10.   | The British Nationality Act 1958.            | Section 3(2).<br>In section 5(3) the words from "including" to "this Act".  |
| 10 & 11 Eliz. 2. c. 21. | The Commonwealth Immigrants Act 1962.        | The whole Act, except section 12(2) and (4) and section 20(1) and (3).<br>In section 12(2) the words from the beginning to "six, and".<br>Section 5(1).             |
| 1964 c. 81.             | The Diplomatic Privileges Act 1964.          | Section 2(3).   |
| 1965 c. 34.             | The British Nationality Act 1965.            | In Schedule 3, paragraph 3.<br>Section 58.  |
| 1967 c. 4.              | The West Indies Act 1967.                    | The whole Act.  |
| 1967 c. 80.             | The Criminal Justice Act 1967.               | In section 51(1), the definition of "recommendation for deportation".<br>In paragraph 1 of the Schedule, sub-paragraph (f) and the words from "and 1962" to "1968". |
| 1968 c. 9.              | The Commonwealth Immigrants Act 1968.        | The whole Act.  |
| 1968 c. 19.             | The Criminal Appeal Act 1968.                | The whole Act.  |
| 1968 c. 59.             | The Hovercraft Act 1968.                     | The whole Act.  |
| 1969 c. 21.             | The Immigration Appeals Act 1969.            | The whole Act.  |
| 1970 c. 58.             | The Expiring Laws Continuance Act 1970.      | The whole Act.  |

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