



# Immigration Act 1971

## 1971 CHAPTER 77

### PART III

#### CRIMINAL PROCEEDINGS

#### [<sup>F1</sup>28J Search warrants: safeguards.

- (1) The entry or search of premises under a warrant is unlawful unless it complies with this section and section 28K.
  - (2) If an immigration officer applies for a warrant, he must—
    - (a) state the ground on which he makes the application and the provision of this Act under which the warrant would be issued;
    - [ if the application is for a warrant authorising entry and search on more than one occasion, state the ground on which the officer applies for such a warrant, and whether the officer seeks a warrant authorising an unlimited number of entries, or (if not) the maximum number of entries desired;]
    - [<sup>F3</sup>(b) specify the matters set out in subsection (2A) below; and]
    - (c) identify, so far as is practicable, the persons or articles to be sought.
- [ The matters which must be specified pursuant to subsection (2)(b) above are—
- <sup>F4</sup>(2A) (a) if the application relates to one or more sets of premises specified in the application, each set of premises which it is desired to enter and search;
- (b) if the application relates to any premises occupied or controlled by a person specified in the application—
- (i) as many sets of premises which it is desired to enter and search as it is reasonably practicable to specify;
  - (ii) the person who is in occupation or control of those premises and any others which it is desired to enter and search;
  - (iii) why it is necessary to search more premises than those specified under sub-paragraph (i);
  - (iv) why it is not reasonably practicable to specify all the premises which it is desired to enter and search.]

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- (3) In Northern Ireland, an application for a warrant is to be supported by a complaint in writing and substantiated on oath.
- (4) Otherwise, an application for a warrant is to be made ex parte and supported by an information in writing or, in Scotland, evidence on oath.
- (5) The officer must answer on oath any question that the justice of the peace or sheriff hearing the application asks him.
- (6) A warrant shall authorise an entry on one occasion only [<sup>F5</sup>unless it specifies that it authorises multiple entries] .
- [ If it specifies that it authorises multiple entries, it must also specify whether the number
- <sup>F6</sup>(6A) of entries authorised is unlimited, or limited to a specified maximum.]
- (7) A warrant must specify—
  - (a) the name of the person applying for it;
  - (b) the date on which it is issued;
  - [<sup>F7</sup>(c) each set of premises to be searched, or (in the case of an all premises warrant) the person who is in occupation or control of premises to be searched, together with any premises under the person's occupation or control which can be specified and which are to be searched; and]
  - (d) the provision of this Act under which it is issued.
- (8) A warrant must identify, so far as is practicable, the persons or articles to be sought.
- [<sup>F8</sup>(9) Two copies must be made of a warrant which specifies only one set of premises and does not authorise multiple entries; and as many copies as are reasonably required may be made of any other kind of warrant.]
- (10) The copies must be clearly certified as copies.
- [ All premises warrant” means a warrant issued in response to an application of the kind
- <sup>F9</sup>(10A) mentioned in section 24E(6)(b), 28D(1A)(b) or 28FB(1A)(b) or paragraph 25A(6AA) (b) of Schedule 2.
- (10B) References in this section to a warrant authorising multiple entries is to a warrant of the kind mentioned in section 24E(8), 28D(1C) or 28FB(3A) or paragraph 25A(6AC) of Schedule 2.]
- (11) “Warrant” means a warrant to enter and search premises issued to an immigration officer under this Part or under paragraph 17(2) [<sup>F10</sup>or 25A(6A)] of Schedule 2.]

#### Textual Amendments

- F1** S. 28J inserted (14.2.2000) by 1999 c. 33, s. 137; 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.)
- F2** S. 28J(2)(aa) inserted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), Sch. 8 para. 4(2)(a); S.I. 2016/1037, reg. 5(k)
- F3** S. 28J(2)(b) substituted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), Sch. 8 para. 4(2)(b); S.I. 2016/1037, reg. 5(k)
- F4** S. 28J(2A) inserted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), Sch. 8 para. 4(3); S.I. 2016/1037, reg. 5(k)
- F5** Words in s. 28J(6) inserted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), Sch. 8 para. 4(4); S.I. 2016/1037, reg. 5(k)

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- F6** S. 28J(6A) inserted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 8 para. 4(5)**; S.I. 2016/1037, reg. 5(k)
- F7** S. 28J(7)(c) substituted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 8 para. 4(6)**; S.I. 2016/1037, reg. 5(k)
- F8** S. 28J(9) substituted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 8 para. 4(7)**; S.I. 2016/1037, reg. 5(k)
- F9** S. 28J(10A)(10B) inserted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 8 para. 4(8)**; S.I. 2016/1037, reg. 5(k)
- F10** Words in s. 28J(11) inserted (28.7.2014) by Immigration Act 2014 (c. 22), s. 75(3), **Sch. 1 para. 4**; S.I. 2014/1820, art. 3(y)

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

- C1** Pt. 3 modified by Immigration Act 2014 (c. 22), s. 33C(6) (as inserted (1.11.2016 for specified purposes, 1.12.2016 in so far as not already in force) by Immigration Act 2016 (c. 19), **ss. 39(2)**, 94(1); S.I. 2016/1037, regs. 2(a), 5(c))
- C2** S. 28J applied by 1999 c. 33, s. 109B(2)(b) (as inserted (31.1.2008) by UK Borders Act 2007 (c. 30), **ss. 18**, 59; S.I. 2008/99, **art. 2**)  
S. 28J applied (31.1.2008) by UK Borders Act 2007 (c. 30), **ss. 23(3)(b)**, 59; S.I. 2008/99, **art. 2**  
S. 28J applied (with modifications) (31.3.2008) by UK Borders Act 2007 (c. 30), **ss. 45(4)**, 59; S.I. 2008/309, **art. 3**
- C3** Ss. 24-29: amendment to earlier affecting S.I. 1993/1797, Sch. 1 Pt. 1 (11.10.2017 coming into force in accordance with art. 1) by The Immigration (Jersey) (Amendment) Order 2017 (S.I. 2017/981), **Sch. Pt. 1 para. 1** (with art. 6)
- C4** S. 28J applied (with modifications) (15.1.2018) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 10 para. 10(4)**; S.I. 2017/1241, reg. 2(c) (with Sch.) (as amended by S.I. 2018/31, reg. 2)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied by [2008 c. 4 s. 133\(7\)\(8\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 10(1A)(1B) inserted by [1999 c. 33 Sch. 14 para. 47\(3\)](#)
- s. 24(1)(fa) inserted by [2023 c. 37 s. 10\(2\)](#)
- s. 24C-24F inserted by [2016 c. 19 s. 44\(2\)](#)
- s. 26A(1)(b)(ia) inserted by [2016 c. 19 Sch. 11 para. 25](#)
- s. 27(1)(aa) inserted by [2023 c. 37 s. 10\(3\)\(a\)](#)
- s. 27(1)(ba) inserted by [2023 c. 37 s. 10\(3\)\(b\)](#)
- s. 28CA(1)(bb) substituted for word in s. 28CA(1)(b) by [2016 c. 19 s. 44\(5\)](#)
- Sch. 2 para. 27B(4A) inserted by [2004 c. 19 s. 16](#)
- Sch. 2 para. 26(4) inserted by [2016 c. 19 s. 74\(1\)](#)
- Sch. 2 Pt. 1A inserted by [2016 c. 19 Sch. 13](#)
- Sch. 2 para. 11A inserted by [2023 c. 37 s. 10\(4\)](#)