



# Immigration Act 1971

## 1971 CHAPTER 77

### PART III

#### CRIMINAL PROCEEDINGS

#### **[<sup>F1</sup>28K Execution of warrants.**

- (1) A warrant may be executed by any immigration officer.
- (2) A warrant may authorise persons to accompany the officer executing it.

[ A person so authorised has the same powers as the officer whom the person <sup>F2</sup>(2A) accompanies in respect of—

- (a) the execution of the warrant, and
- (b) the seizure or detention of anything to which the warrant relates.

(2B) But the person may exercise those powers only in the company, and under the supervision, of an immigration officer.]

- (3) Entry and search under a warrant must be—
  - (a) within [<sup>F3</sup>three months ] from the date of its issue; and
  - (b) at a reasonable hour, unless it appears to the officer executing it that the purpose of a search might be frustrated.

[ If the warrant is an all premises warrant, no premises which are not specified in it <sup>F4</sup>(3A) may be entered or searched unless an immigration officer of at least the rank of chief immigration officer has in writing authorised them to be entered.

(3B) No premises may be entered or searched for the second or any subsequent time under a warrant which authorises multiple entries unless an immigration officer of at least the rank of chief immigration officer has in writing authorised that entry to those premises.]

- (4) If the occupier of premises which are to be entered and searched is present at the time when an immigration officer seeks to execute a warrant, the officer must—

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- (a) identify himself to the occupier and [<sup>F5</sup>, if not in uniform, ] produce identification showing that he is an immigration officer;
  - (b) show the occupier the warrant; and
  - (c) supply him with a copy of it.
- (5) If—
- (a) the occupier is not present, but
  - (b) some other person who appears to the officer to be in charge of the premises is present,
- subsection (4) has effect as if each reference to the occupier were a reference to that other person.
- (6) If there is no person present who appears to the officer to be in charge of the premises, the officer must leave a copy of the warrant in a prominent place on the premises.
- (7) A search under a warrant may only be a search to the extent required for the purpose for which the warrant was issued.
- (8) An officer executing a warrant must make an endorsement on it stating—
- (a) whether the persons or articles sought were found; and
  - (b) whether any articles, other than articles which were sought, were seized.
- [ Unless the warrant is a warrant specifying one set of premises only, the officer must <sup>F6</sup>(8A) comply with subsection (8) separately in respect of each set of premises entered and searched.
- (8B) Subject to subsection (8C), a warrant must be returned in accordance with subsection (9)—
- (a) when it has been executed, or
  - (b) in the case of a specific premises warrant which has not been executed, an all premises warrant or any warrant authorising multiple entries, on the expiry of the period of three months referred to in subsection (3) or sooner.
- (8C) Subsection (8B) does not apply to a warrant issued by a justice of the peace in Scotland or by the sheriff if the warrant has been executed.]
- (9) [<sup>F7</sup>The warrant] must be returned—
- [<sup>F8</sup>(a) if issued by a justice of the peace in England and Wales, to the designated officer for the local justice area in which the justice was acting when he issued the warrant;]
  - (b) if issued by a justice of the peace in Northern Ireland, to the clerk of petty sessions <sup>F9</sup>...;
  - (c) if issued by a justice of the peace in Scotland, to the clerk of the district court for the commission area for which the justice of the peace was appointed;
  - (d) if issued by the sheriff, to the sheriff clerk.
- (10) A warrant returned under subsection (9)(a) must be retained for 12 months by the [<sup>F10</sup>designated officer] .
- (11) A warrant issued under subsection (9)(b) or (c) must be retained for 12 months by the clerk.
- (12) A warrant returned under subsection (9)(d) must be retained for 12 months by the sheriff clerk.

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(13) If during that 12 month period the occupier of the premises to which it relates asks to inspect it, he must be allowed to do so.

[ In subsection (8B)—

<sup>F11</sup>(13A) “specific premises warrant” means a warrant which is not an all premises warrant;

“all premises warrant” means a warrant issued in response to an application of the kind mentioned in section 24E(6)(b), 28D(1A)(b) or 28FB(1A)(b) or paragraph 25A(6AA)(b) of Schedule 2.

(13B) The reference in subsection (8B) 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.]

(14) “Warrant” means a warrant to enter and search premises issued to an immigration officer under this Part or under paragraph 17(2) [<sup>F12</sup>or 25A(6A)] of Schedule 2.]

#### Textual Amendments

- F1** S. 28K inserted (14.2.2000) by 1999 c. 33, s. 138; 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. 28K(2A)(2B) inserted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), Sch. 8 para. 5(2); S.I. 2016/1037, reg. 5(k)
- F3** Words in s. 28K(3) substituted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), Sch. 8 para. 5(3); S.I. 2016/1037, reg. 5(k)
- F4** S. 28K(3A)(3B) inserted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), Sch. 8 para. 5(4); S.I. 2016/1037, reg. 5(k)
- F5** Words in s. 28K(4)(a) inserted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), Sch. 8 para. 5(5); S.I. 2016/1037, reg. 5(k)
- F6** S. 28K(8A)-(8C) inserted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), Sch. 8 para. 5(6); S.I. 2016/1037, reg. 5(k)
- F7** Words in s. 28K(9) substituted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), Sch. 8 para. 5(7); S.I. 2016/1037, reg. 5(k)
- F8** S. 28K(9)(a) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 109(1), Sch. 8 para. 148(2); S.I. 2005/910, art. 3(y)(bb)
- F9** Words in s. 28K(9)(b) repealed (N.I.) (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 64(2), Sch. 9 Pt. 1 (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(l) (with art. 3)
- F10** Words in s. 28K(10) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 109(1), Sch. 8 para. 148(3); S.I. 2005/910, art. 3(y)(bb)
- F11** S. 28K(13A)(13B) inserted (1.12.2016) by Immigration Act 2016 (c. 19), s. 94(1), Sch. 8 para. 5(8); S.I. 2016/1037, reg. 5(k)
- F12** Words in s. 28K(14) inserted (28.7.2014) by Immigration Act 2014 (c. 22), s. 75(3), Sch. 1 para. 4; S.I. 2014/1820, art. 3(y)

#### 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. 28K applied by Immigration and Asylum Act 1999 (c. 33), s. 109B(2)(c) (as inserted (31.1.2008) by UK Borders Act 2007 (c. 30), ss. 18, 59; S.I. 2008/99, art. 2)  
S. 28K applied (31.1.2008) by UK Borders Act 2007 (c. 30), ss. 23(2)(c), 59; S.I. 2008/99, {act. 2}

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- S. 28K 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. 28K 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)
- C5** S. 28K(9)(a)(10) amended (*temp.* until 1.4.2001) by 1999 c. 33, s. 169(2), **Sch. 15 para. 4(b)**; S.I. 2000/168, art. 2, **Sch.**; S.I. 2001/916, art. 2(a)(ii) (with **Sch. 2 para. 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\(4\)](#)