



# Immigration Act 1971

## 1971 CHAPTER 77

### [<sup>F1</sup>PART 3A

#### MARITIME ENFORCEMENT

#### [<sup>F1</sup>28N Enforcement powers in relation to ships: Scotland

- (1) [<sup>F2</sup>A Scottish constable] may exercise the powers set out in Part 2 of Schedule 4A (“Part 2 powers”) in relation to any of the following in Scotland waters—
  - (a) a United Kingdom ship;
  - (b) a ship without nationality;
  - (c) a foreign ship;
  - (d) a ship registered under the law of a relevant territory.
- (2) But Part 2 powers may be exercised only—
  - (a) for the purpose of preventing, detecting, investigating or prosecuting an offence under [<sup>F3</sup>(i) section 24B,] 25 [<sup>F4</sup>or 25A][<sup>F5</sup>, or
  - (ii) section 21 of the Immigration, Asylum and Nationality Act 2006, and]
  - (b) in accordance with the rest of this section.
- (3) The authority of the Secretary of State is required before <sup>F6</sup>... a Scottish constable <sup>F7</sup>... may exercise Part 2 powers in relation to a foreign ship, or a ship registered under the law of a relevant territory, within the territorial sea adjacent to the United Kingdom.
- (4) Authority for the purposes of subsection (3) may be given in relation to a foreign ship only if the Convention permits the exercise of Part 2 powers in relation to the ship.]

#### Textual Amendments

- F1** Pt. 3A inserted (31.5.2016) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 14 para. 7; S.I. 2016/603, reg. 2\(d\)](#)

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*Changes to legislation: Immigration Act 1971, Section 28N is up to date with all changes known to be in force on or before 14 April 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) View outstanding changes*

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- F2** Words in s. 28N(1) substituted (28.6.2022) by Nationality and Borders Act 2022 (c. 36), s. 87(1), **Sch. 7 para. 4(a)**; S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 22 (with Sch. 2 para. 8)
- F3** Words in s. 28N(2)(a) substituted (12.4.2023) by Nationality and Borders Act 2022 (c. 36), s. 87(1), **Sch. 6 para. 7(a)**; S.I. 2023/283, reg. 3(b)
- F4** Words in s. 28N(2)(a) substituted (31.12.2020) by The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309), reg. 1(2), **Sch. 1 para. 1(1)(a)(viii)** (with Sch. 1 para. 1(5))
- F5** S. 28N(2)(a)(ii) and word substituted (12.4.2023) for word by Nationality and Borders Act 2022 (c. 36), s. 87(1), **Sch. 6 para. 7(b)**; S.I. 2023/283, reg. 3(b)
- F6** Words in s. 28N(3) omitted (28.6.2022) by virtue of Nationality and Borders Act 2022 (c. 36), s. 87(1), **Sch. 7 para. 4(b)(i)**; S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 22 (with Sch. 2 para. 8)
- F7** Words in s. 28N(3) omitted (28.6.2022) by virtue of Nationality and Borders Act 2022 (c. 36), s. 87(1), **Sch. 7 para. 4(b)(ii)**; S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 22 (with Sch. 2 para. 8)

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

- C1** 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)

**Changes to legislation:**

Immigration Act 1971, Section 28N is up to date with all changes known to be in force on or before 14 April 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.

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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\(4\)](#)