



Immigration Act 1971

1971 CHAPTER 77

[^{F1}PART 3A

MARITIME ENFORCEMENT

[^{F1}28P Hot pursuit of ships in United Kingdom waters

- (1) [^{F2}An English and Welsh constable] may exercise Part 1 powers in relation to a ship in Scotland waters or in Northern Ireland waters if—
 - (a) the ship is pursued there,
 - (b) immediately before the pursuit of the ship, the ship was in England and Wales waters, and
 - (c) the condition in subsection (7) is met.
- (2) Part 1 powers may be exercised under subsection (1) only—
 - (a) for the purpose mentioned in subsection (2)(a) of section 28M, and
 - (b) (if relevant) in accordance with subsections (3) and (4) of that section.
- (3) [^{F3}A Scottish constable] may exercise Part 2 powers in relation to a ship in England and Wales waters or in Northern Ireland waters if—
 - (a) the ship is pursued there,
 - (b) immediately before the pursuit of the ship, the ship was in Scotland waters, and
 - (c) the condition in subsection (7) is met.
- (4) Part 2 powers may be exercised under subsection (3) only—
 - (a) for the purpose mentioned in subsection (2)(a) of section 28N, and
 - (b) (if relevant) in accordance with subsections (3) and (4) of that section.
- (5) [^{F4}A Northern Ireland constable] may exercise Part 3 powers in relation to a ship in England and Wales waters or in Scotland waters if—
 - (a) the ship is pursued there,

Changes to legislation: Immigration Act 1971, Section 28P is up to date with all changes known to be in force on or before 15 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

- (b) immediately before the pursuit of the ship, the ship was in Northern Ireland waters, and
 - (c) the condition in subsection (7) is met.
- (6) Part 3 powers may be exercised under subsection (5) only—
- (a) for the purpose mentioned in subsection (2)(a) of section 28O, and
 - (b) (if relevant) in accordance with subsections (3) and (4) of that section.
- (7) The condition referred to in subsection (1)(c), (3)(c) and (5)(c) is that—
- (a) before the pursuit of the ship, a signal is given for it to stop, and
 - (b) the pursuit of the ship is not interrupted.
- (8) The signal referred to in subsection (7)(a) must be given in such a way as to be audible or visible from the ship.
- (9) For the purposes of subsection (7)(b), pursuit is not interrupted by reason only of the fact that—
- (a) the method of carrying out the pursuit, or
 - (b) the identity of the ship or aircraft carrying out the pursuit, changes during the course of the pursuit.
- (10) Nothing in this Part affects any other legal right of hot pursuit that a constable ^{F5}... may have.]

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)
- F2** Words in s. 28P(1) substituted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(1), **Sch. 7 para. 6(a)**; S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 22 (with Sch. 2 para. 8)
- F3** Words in s. 28P(3) substituted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(1), **Sch. 7 para. 6(b)**; S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 22 (with Sch. 2 para. 8)
- F4** Words in s. 28P(5) substituted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(1), **Sch. 7 para. 6(c)**; S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 22 (with Sch. 2 para. 8)
- F5** Words in s. 28P(10) omitted (28.6.2022) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(1), **Sch. 7 para. 6(d)**; S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 22 (with Sch. 2 para. 8)

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:

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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\(4\)](#)