

## SCHEDULES

### SCHEDULE 5

#### PORT AND BORDER CONTROL

##### *Detention: supplementary provisions*

- 7 (1) If a justice of the peace is satisfied that there are reasonable grounds for suspecting that a person liable to be arrested under paragraph 6(4) above is to be found on any premises he may grant a search warrant authorising any constable to enter those premises for the purpose of searching for and arresting that person.
- (2) In Scotland the power to issue a warrant under sub-paragraph (1) above shall be exercised by a sheriff or a justice of the peace, an application for such a warrant shall be supported by evidence on oath and a warrant shall not authorise a constable to enter any premises unless he is a constable for the police area in which they are situated.
- (3) In Northern Ireland an application for a warrant under sub-paragraph (1) above shall be made by a complaint on oath.
- (4) A person detained under this Schedule shall be deemed to be in legal custody at any time when he is so detained and, if detained otherwise than on board a ship or aircraft, may be detained in such a place as the Secretary of State may from time to time direct.
- (5) Where a person is detained under this Schedule, any examining 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.
- (6) Section 61(1) to (8) of the Police and Criminal Evidence Act 1984 (finger-printing) shall apply to the taking of a person's fingerprints by a constable under sub-paragraph (5) above as if for subsection (4) there were substituted—
- “(4) An officer may only give an authorisation under subsection (3)(a) above for the taking of a person's fingerprints if he is satisfied that it is necessary to do so in order to assist in determining—
- (a) whether that person is or has been concerned in the commission, preparation or instigation of acts of terrorism to which paragraph 2 of Schedule 5 to the Prevention of Terrorism (Temporary Provisions) Act 1989 applies;
- (b) whether he is subject to an exclusion order under that Act; or
- (c) whether there are grounds for suspecting that he has committed an offence under section 8 of that Act.”
- (7) Any person detained under this Schedule may be taken in the custody of an examining officer, or of any person acting under the authority of such an officer, to and from any place where his attendance is required for the purpose of establishing his nationality or citizenship or for making arrangements for his admission to a

---

*Status: This is the original version (as it was originally enacted).*

---

country or territory outside the United Kingdom or where he is required to be for any other purpose connected with the operation of this Act.