



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART VII

POWER TO ARREST, SEARCH AND FINGERPRINT

Power to enter and search premises

131 Entry and search of premises

In the 1971 Act, after section 28C, insert—

“28D Entry and search of premises

- (1) If, on an application made by an immigration officer, a justice of the peace is satisfied that there are reasonable grounds for believing that—
 - (a) a relevant offence has been committed,
 - (b) there is material on premises specified in the application which is likely to be of substantial value (whether by itself or together with other material) to the investigation of the offence,
 - (c) the material is likely to be relevant evidence,
 - (d) the material does not consist of or include items subject to legal privilege, excluded material or special procedure material, and
 - (e) any of the conditions specified in subsection (2) applies,he may issue a warrant authorising an immigration officer to enter and search the premises.
- (2) The conditions are that—
 - (a) it is not practicable to communicate with any person entitled to grant entry to the premises;
 - (b) it is practicable to communicate with a person entitled to grant entry to the premises but it is not practicable to communicate with any person entitled to grant access to the evidence;

Status: This is the original version (as it was originally enacted).

- (c) entry to the premises will not be granted unless a warrant is produced;
 - (d) the purpose of a search may be frustrated or seriously prejudiced unless an immigration officer arriving at the premises can secure immediate entry to them.
- (3) An immigration officer may seize and retain anything for which a search has been authorised under subsection (1).
- (4) “Relevant offence” means an offence under section 24(1)(a), (b), (c), (d), (e) or (f), section 24A or section 25.
- (5) In relation to England and Wales, expressions which are given a meaning by the Police and Criminal Evidence Act 1984 have the same meaning when used in this section.
- (6) In relation to Northern Ireland, expressions which are given a meaning by the Police and Criminal Evidence (Northern Ireland) Order 1989 have the same meaning when used in this section.
- (7) In the application of subsection (1) to Scotland—
- (a) read the reference to a justice of the peace as a reference to the sheriff or a justice of the peace; and
 - (b) in paragraph (d), omit the reference to excluded material and special procedure material.”