



Nationality, Immigration and Asylum Act 2002

2002 CHAPTER 41

PART 7

OFFENCES

Procedure

153 Power of entry

- (1) The following shall be inserted after section 28C of the Immigration Act 1971 (search and arrest without warrant)—

“28CA Business premises: entry to arrest

- (1) A constable or immigration officer may enter and search any business premises for the purpose of arresting a person—
- (a) for an offence under section 24,
 - (b) for an offence under section 24A, or
 - (c) under paragraph 17 of Schedule 2.
- (2) The power under subsection (1) may be exercised only—
- (a) to the extent that it is reasonably required for a purpose specified in subsection (1),
 - (b) if the constable or immigration officer has reasonable grounds for believing that the person whom he is seeking is on the premises,
 - (c) with the authority of the Secretary of State (in the case of an immigration officer) or a Chief Superintendent (in the case of a constable), and
 - (d) if the constable or immigration officer produces identification showing his status.

Status: This is the original version (as it was originally enacted).

- (3) Authority for the purposes of subsection (2)(c)—
- (a) may be given on behalf of the Secretary of State only by a civil servant of the rank of at least Assistant Director, and
 - (b) shall expire at the end of the period of seven days beginning with the day on which it is given.
- (4) Subsection (2)(d) applies—
- (a) whether or not a constable or immigration officer is asked to produce identification, but
 - (b) only where premises are occupied.
- (5) Subsection (6) applies where a constable or immigration officer—
- (a) enters premises in reliance on this section, and
 - (b) detains a person on the premises.
- (6) A detainee custody officer may enter the premises for the purpose of carrying out a search.
- (7) In subsection (6)—
- “detainee custody officer” means a person in respect of whom a certificate of authorisation is in force under section 154 of the Immigration and Asylum Act 1999 (c. 33) (detained persons: escort and custody), and
 - “search” means a search under paragraph 2(1)(a) of Schedule 13 to that Act (escort arrangements: power to search detained person).”
- (2) The following shall be substituted for section 146(2) of the Immigration and Asylum Act 1999 (use of force)—
- “(2) A person exercising a power under any of the following may if necessary use reasonable force—
- (a) section 28CA, 28FA or 28FB of the 1971 Act (business premises: entry to arrest or search),
 - (b) section 141 or 142 of this Act, and
 - (c) regulations under section 144 of this Act.”