



# UK Borders Act 2007

## 2007 CHAPTER 30

### *Detention at ports*

#### **2 Detention**

(1) A designated immigration officer at a port in England, Wales or Northern Ireland may detain an individual if the immigration officer thinks that the individual—

(a) may be liable to arrest by a constable under section 24(1), (2) or (3) of the Police and Criminal Evidence Act 1984 (c. 60) or Article 26(1), (2) or (3) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)),

[<sup>F1</sup>(aa) is the subject of a certificate under section 74B of the Extradition Act 2003,] or

(b) is subject to a warrant for arrest.

[<sup>F2</sup>(1A) A designated immigration officer at a port in Scotland may detain an individual if the immigration officer thinks that ] [<sup>F3</sup>the individual—

(a) may be liable to be detained by a constable under section 14 of the Criminal Procedure (Scotland) Act 1995 in respect of an offence under section 10(1) of the Counter-Terrorism and Security Act 2015,

[<sup>F4</sup>(aa) is the subject of a certificate under section 74B of the Extradition Act 2003,] or

(b) is subject to a warrant for arrest.]

(2) A designated immigration officer who detains an individual—

(a) must arrange for a constable to attend as soon as is reasonably practicable,

(b) may search the individual for, and retain, anything that might be used to assist escape or to cause physical injury to the individual or another person,

(c) must retain anything found on a search which the immigration officer thinks may be evidence of the commission of an offence, and

(d) must, when the constable arrives, deliver to the constable the individual and anything retained on a search.

(3) An individual may not be detained under this section for longer than three hours.

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*Changes to legislation: There are currently no known outstanding effects for the UK Borders Act 2007, Section 2. (See end of Document for details)*

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- (4) A designated immigration officer may use reasonable force for the purpose of exercising a power under this section.
- (5) Where an individual whom a designated immigration officer has detained or attempted to detain under this section leaves the port, a designated immigration officer may—
- (a) pursue the individual, and
  - (b) return the individual to the port.
- (6) Detention under this section shall be treated as detention under the Immigration Act 1971 (c. 77) for the purposes of Part 8 of the Immigration and Asylum Act 1999 (c. 33) (detained persons).

#### Textual Amendments

- F1** S. 2(1)(aa) inserted (31.12.2020) by Extradition (Provisional Arrest) Act 2020 (c. 18), s. 2(4), **Sch. para. 28**; S.I. 2020/1652, reg. 2(1)(b)
- F2** S. 2(1A) inserted (27.10.2014) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 52(1), 58(3)(b)**; S.I. 2014/2634, art. 2(b)
- F3** Words in s. 2(1A) substituted (12.2.2015) by Counter-Terrorism and Security Act 2015 (c. 6), **ss. 10(8), 52(5)**
- F4** S. 2(1A)(aa) inserted (31.12.2020) by Extradition (Provisional Arrest) Act 2020 (c. 18), s. 2(4), **Sch. para. 28**; S.I. 2020/1652, reg. 2(1)(b)

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

- C1** S. 2 modified by S.I. 1993/1813, art. 7, Sch. 4 para. 6(1) (as amended (16.4.2015) by The Channel Tunnel (International Arrangements) and Channel Tunnel (Miscellaneous Provisions) (Amendment) Order 2015 (S.I. 2015/856), arts. 1, 4)
- C2** S. 2 modified by S.I. 1994/1405, **art. 7** (as amended (coming into force on a date to be notified in the Gazette in accordance with reg. 1(3) of the amending S.I.) by The Channel Tunnel (International Arrangements and Miscellaneous Provisions) (Amendment) Order 2020 (S.I. 2020/915), regs. 1(3), 11)
- C3** S. 2 modified (30.9.2020 immediately after the entry into force of S.I. 2020/915, **art. 5**) by The Channel Tunnel (Arrangements with the Kingdom of the Netherlands) Order 2020 (S.I. 2020/916), regs. 1(3), 6

#### Commencement Information

- I1** S. 2 in force at 31.1.2008 by S.I. 2008/99, **art. 2(a)**

**Changes to legislation:**

There are currently no known outstanding effects for the UK Borders Act 2007, Section 2.