



# Immigration Act 1971

## 1971 CHAPTER 77

### PART III

#### CRIMINAL PROCEEDINGS

#### 24 **Illegal entry and similar offences.**

- (1) A person who is not [<sup>F1</sup>a British citizen] shall be guilty of an offence punishable on summary conviction with a fine of not more than [<sup>F2</sup>[<sup>F3</sup>level 5]on the standard scale] or with imprisonment for not more than six months, or with both, in any of the following cases:—
- (a) if contrary to this Act he knowingly enters the United Kingdom in breach of a deportation order or without leave;
  - [<sup>F4</sup>(aa) if, by means which include deception by him, he obtains or seeks to obtain leave to enter or remain in the United Kingdom;]
  - (b) if, having only a limited leave to enter or remain in the United Kingdom, he knowingly either—
    - (i) remains beyond the time limited by the leave; or
    - (ii) fails to observe a condition of the leave;
  - (c) if, having lawfully entered the United Kingdom without leave by virtue of section 8(1) above, he remains without leave beyond the time allowed by section 8(1);
  - (d) if, without reasonable excuse, he fails to comply with any requirement imposed on him under Schedule 2 to this Act to report to [<sup>F5</sup>a medical officer of health][<sup>F5</sup>the chief administrative medical officer of a Health Board][<sup>F6</sup>or the chief administrative medical officer of a Health and Social Services Board], or to attend, or submit to a test or examination, as required by such an officer;
  - (e) if, without reasonable excuse, he fails to observe any restriction imposed on him under Schedule 2 or 3 to this Act as to residence [<sup>F7</sup>as to his employment or occupation] or as to reporting to the police or to an immigration officer;
  - (f) if he disembarks in the United Kingdom from a ship or aircraft after being placed on board under Schedule 2 or 3 to this Act with a view to his removal from the United Kingdom;

*Status: Point in time view as at 01/10/1996. This version of this provision has been superseded.*

*Changes to legislation: Immigration Act 1971, Section 24 is up to date with all changes known to be in force on or before 14 March 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)*

- (g) if he embarks in contravention of a restriction imposed by or under an Order in Council under section 3(7) of this Act.

[<sup>F8</sup>(1A) A person commits an offence under subsection (1)(b)(i) above on the day when he first knows that the time limited by his leave has expired and continues to commit it throughout any period during which he is in the United Kingdom thereafter; but a person shall not be prosecuted under that provision more than once in respect of the same limited leave.]

- (2) A constable or immigration officer may arrest without warrant anyone who has, or whom he, with reasonable cause, suspects to have, committed or attempted to commit an offence under this section other than an offence under subsection (1)(d) above.
- (3) The extended time limit for prosecutions which is provided for by section 28 below shall apply to offences under [<sup>F9</sup>subsection (1)(a) and (c)] above.
- (4) In proceedings for an offence against subsection (1)(a) above of entering the United Kingdom without leave,—
- (a) any stamp purporting to have been imprinted on a passport or other travel document by an immigration officer on a particular date for the purpose of giving leave shall be presumed to have been duly so imprinted, unless the contrary is proved;
- (b) proof that a person had leave to enter the United Kingdom shall lie on the defence if, but only if, he is shown to have entered within six months before the date when the proceedings were commenced.

#### Textual Amendments

- F1** Words substituted by [British Nationality Act 1981 \(c. 61\), s. 52\(7\)](#), [Sch. 4 para. 2](#)
- F2** Words substituted (E.W.) (S.) (11.4.1983) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48\), ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\), ss. 289F, 289G](#) (as inserted by [Criminal Justice Act 1982 \(c. 48\), s. 54](#)), and (N.I.) by virtue of [S.I. 1984/703 \(N.I. 3\), arts. 5, 6](#)
- F3** Words in [s. 24\(1\)](#) substituted (1.10.1996) by [1996 c. 49, s.6](#); [S.I. 1996/2053, art. 2](#), [Sch. Pt.III](#)
- F4** [S. 24\(1\)\(aa\)](#) inserted (1.10.1996) by [1996 c. 49, s.4](#); [S.I. 1996/2053, art. 2](#), [Sch. Pt.III](#)
- F5** Words “the chief” to “Health Board” substituted for words “a medical officer of health” (S.) by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 6 para. 155](#); continued by [National Health Service \(Scotland\) Act 1978 \(c. 29\), Sch. 15 para. 10](#)
- F6** Words inserted (N.I.) by [S.R. & O. \(N.I.\) 1973/256, Sch. 2](#)
- F7** Words inserted by [Immigration Act 1988 \(c. 14, SIF 62\), s. 10](#), [Sch. para. 10\(3\)\(4\)](#)
- F8** [S. 24\(1A\)](#) inserted by [Immigration Act 1988 \(c. 14, SIF 62\), s. 6\(1\)\(3\)](#)
- F9** Words “subsection (1)(a) and (c)” substituted for “subsection (1)(a), (b)(i) and (c)” by [Immigration Act 1988 \(c. 14, SIF 62\), s. 6\(2\)\(3\)](#)

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

- C1** [S. 24](#) modified (2.8.1993) by [S.I. 1993/1813, arts. 7\(1\), 1](#), [Sch. 4 para 1\(7\)](#)
- C2** [S. 24\(1\)\(a\)\(b\)](#) amended (S.) by [Criminal Justice \(Scotland\) Act 1980 \(c. 62\), s. 26](#), [Sch. 1](#)

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