



Immigration Act 1971

1971 CHAPTER 77

PART III

CRIMINAL PROCEEDINGS

24 **Illegal entry and similar offences.**

- (1) A person who is not [^{F1}a British citizen] shall be guilty of an offence punishable on summary conviction with a fine of not more than [^{F2}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;
 - ^{F4}(aa)
 - (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 [^{F5}a medical officer of health][^{F5}the chief administrative medical officer of a Health Board][^{F6}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;
 - ^{F7}(e)
 - (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;
 - (g) if he embarks in contravention of a restriction imposed by or under an Order in Council under section 3(7) of this Act [^{F8};

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- (h) if the person is on immigration bail within the meaning of Schedule 10 to the Immigration Act 2016 and, without reasonable excuse, the person breaches a bail condition within the meaning of that Schedule.]

[^{F9}(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.]

^{F10}(2)

- (3) The extended time limit for prosecutions which is provided for by section [^{F11}28(1)] below shall apply to offences under [^{F12}subsection (1)(a) and (c)] above.

[^{F13}(3A) The extended time limit for prosecutions which is provided for by section 28(1A) below shall apply to offences under subsection (1)(h) 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** (with [Sch. 8 para. 8](#))
- 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) repealed (14.2.2000) by [1999 c. 33, s. 169\(1\)\(3\)](#), [Sch. 14 para. 50](#), [Sch. 16](#); [S.I. 2000/168, art. 2, Sch.](#) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by [S.I. 2003/1252, art. 2, Sch.](#))
- 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** S. 24(1)(e) omitted (15.1.2018) by virtue of [Immigration Act 2016 \(c. 19\), s. 94\(1\)](#), **Sch. 10 para. 16(2)(a)**; [S.I. 2017/1241, reg. 2\(c\)](#) (with [Sch.](#)) (as amended by [S.I. 2018/31, reg. 2](#))
- F8** S. 24(1)(h) inserted (15.1.2018) by [Immigration Act 2016 \(c. 19\), s. 94\(1\)](#), **Sch. 10 para. 16(2)(b)**; [S.I. 2017/1241, reg. 2\(c\)](#) (with [Sch.](#)) (as amended by [S.I. 2018/31, reg. 2](#))
- F9** S. 24(1A) inserted by [Immigration Act 1988 \(c. 14, SIF 62\)](#), **s. 6(1)(3)**
- F10** S. 24(2) repealed (14.2.2000) by [1999 c. 33, s. 169\(1\)\(3\)](#), [Sch. 14 para. 50](#), [Sch. 16](#); [S.I. 2000/168, art. 2, Sch.](#) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by [S.I. 2003/1252, art. 2, Sch.](#))
- F11** Word in s. 24(3) substituted (15.1.2018) by [Immigration Act 2016 \(c. 19\), s. 94\(1\)](#), **Sch. 10 para. 16(3)**; [S.I. 2017/1241, reg. 2\(c\)](#) (with [Sch.](#)) (as amended by [S.I. 2018/31, reg. 2](#))
- F12** 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)**

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F13 S. 24(3A) inserted (15.1.2018) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 10 para. 16(4)**; [S.I. 2017/1241](#), [reg. 2\(c\)](#) (with [Sch.](#)) (as amended by [S.I. 2018/31](#), [reg. 2](#))

Modifications etc. (not altering text)

- C1** Pt. III modified by [Immigration Act 2014 \(c. 22\)](#), s. 33C(6) (as inserted (1.11.2016 for specified purposes, 1.12.2016 in so far as not already in force) by [Immigration Act 2016 \(c. 19\)](#), **ss. 39(2)**, 94(1); [S.I. 2016/1037](#), [regs. 2\(a\)](#), 5(c))
- C2** S. 24 modified (2.8.1993) by [S.I. 1993/1813](#), arts. 7(1), 1, **Sch. 4 para 1(7)**
- C3** Ss. 24-29: amendment to earlier affecting [S.I. 1993/1797](#), Sch. 1 Pt. 1 (11.10.2017 coming into force in accordance with art. 1) by [The Immigration \(Jersey\) \(Amendment\) Order 2017 \(S.I. 2017/981\)](#), **Sch. Pt. 1 para. 1** (with art. 6)
- C4** S. 24 modified by [S.I. 1994/1405](#), art. 7 (as amended (coming into force in accordance with art. 1(3) of the amending S.I.) by [The Channel Tunnel \(International Arrangements and Miscellaneous Provisions\) \(Amendment\) Order 2020 \(S.I. 2020/915\)](#), arts. 1(3), **11**)
- C5** S. 24 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 \(S.I. 2020/916\)](#), arts. 1(3), **6**
- C6** S. 24(1)(a)(b) amended (S.) by [Criminal Justice \(Scotland\) Act 1980 \(c. 62\)](#), s. 26, **Sch. 1**

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