



Immigration Act 1971

1971 CHAPTER 77

PART III

CRIMINAL PROCEEDINGS

28 Proceedings.

- (1) Where the offence is one to which, under section 24 ^{F1} . . . or 26 above, an extended time limit for prosecutions is to apply, then—
 - (a) an information relating to the offence may in England and Wales be tried by a magistrates' court if it is laid within six months after the commission of the offence, or if it is laid within three years after the commission of the offence and not more than two months after the date certified by [^{F2}an officer of police above the rank of chief superintendent] to be the date on which evidence sufficient to justify proceedings came to the notice of an officer of [^{F2}the police force to which he belongs]; and
 - (b) summary proceedings for the offence may in Scotland be commenced within six months after the commission of the offence, or within three years after the commission of the offence and not more than two months after the date on which evidence sufficient in the opinion of the Lord Advocate to justify proceedings came to his knowledge; and
 - (c) a complaint charging the commission of the offence may in Northern Ireland be heard and determined by a magistrates' court if it is made within six months after the commission of the offence, or if it is made within three years after the commission of the offence and not more than two months after the date certified by an officer of police not below the rank of assistant chief constable to be the date on which evidence sufficient to justify the proceedings came to the notice of the police in Northern Ireland.
- (2) For purposes of subsection (1)(b) above proceedings shall be deemed to be commenced on the date on which a warrant to apprehend or to cite the accused is granted, if such warrant is executed without undue delay; and a certificate of the Lord Advocate as to the date on which such evidence as is mentioned in subsection (1)(b) came to his knowledge shall be conclusive evidence.

Status: Point in time view as at 10/02/2003. This version of this provision has been superseded.

Changes to legislation: Immigration Act 1971, Section 28 is up to date with all changes known to be in force on or before 02 April 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)

- (3) For the purposes of the trial of a person for an offence under this Part of this Act, the offence shall be deemed to have been committed either at the place at which it actually was committed or at any place at which he may be.
- (4) Any powers exercisable under this Act in the case of any person may be exercised notwithstanding that proceedings for an offence under this Part of this Act have been taken against him.

Textual Amendments

- F1** Words in s. 28(1) repealed (10.2.2003) by 2002 c. 41, s. 156(1), 161, Sch. 9 (with s. 159); S.I. 2003/1, art. 2, Sch
- F2** Words substituted by Immigration Act 1988 (c. 14, SIF 62), s. 10, Sch. para. 4

Modifications etc. (not altering text)

- C1** S. 28(1) applied (1.4.2003) by 1996 c. 49, s. 8(9) (as added by 2002 c. 41, s. 147(4) (with s. 159)); S.I. 2003/754, art. 2, Sch. 1 (with transitional provisions in arts. 3, 4, Sch. 2 (as amended by S.I. 2003/1040 and 2003/1339))
- S. 28(1) applied (1.5.2004) by The Accession (Immigration and Worker Registration) Regulations 2004 (S.I. 2004/1219), reg. 9(10)
- C2** S. 28(4) modified (22.9.2004) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), ss. 2(11)(b), 48(1)
- C3** S. 28(4) modified by Immigration and Asylum Act 1999 (c. 33), s. 109B(1)(b) (as inserted (31.1.2008) by UK Borders Act 2007 (c. 30), ss. 18, 59; S.I. 2008/99, art. 2)
- S. 28(4) modified (31.1.2008) by UK Borders Act 2007 (c. 30), ss. 23(2)(b), 59; S.I. 2008/99, art. 2

Status:

Point in time view as at 10/02/2003. This version of this provision has been superseded.

Changes to legislation:

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