



Immigration Act 1971

1971 CHAPTER 77

PART III

CRIMINAL PROCEEDINGS

[^{F1}28E Entry and search of premises following arrest.

- (1) This section applies if a person is arrested for an offence under this Part at a place other than a police station.
- (2) An immigration officer may enter and search any premises—
 - (a) in which the person was when arrested, or
 - (b) in which he was immediately before he was arrested,for evidence relating to the offence for which the arrest was made (“relevant evidence”).
- (3) The power may be exercised—
 - (a) only if the officer has reasonable grounds for believing that there is relevant evidence on the premises; and
 - (b) only to the extent that it is reasonably required for the purpose of discovering relevant evidence.
- (4) In relation to premises consisting of two or more separate dwellings, the power is limited to entering and searching—
 - (a) any dwelling in which the arrest took place or in which the arrested person was immediately before his arrest; and
 - (b) any parts of the premises which the occupier of any such dwelling uses in common with the occupiers of any other dwellings comprised in the premises.
- (5) An officer searching premises under subsection (2) may seize and retain anything he finds which he has reasonable grounds for believing is relevant evidence.
- (6) Subsection (5) does not apply to items which the officer has reasonable grounds for believing are items subject to legal privilege.]

Status: Point in time view as at 30/11/2022.

Changes to legislation: Immigration Act 1971, Section 28E is up to date with all changes known to be in force on or before 19 May 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)

Textual Amendments

- F1** S. 28E inserted (14.2.2000) by 1999 c. 33, s. 132(1); 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.)

Modifications etc. (not altering text)

- C1** Pt. 3 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. 28E modified (1.5.2004) by The Accession (Immigration and Worker Registration) Regulations 2004 (S.I. 2004/1219), reg. 9(1)(b)
- C3** S. 28E modified (22.9.2004) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), ss. 2(11)(b), 48(1)
- C4** S. 28E applied (1.12.2004) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), s. 14(3)(b); S.I. 2004/2999, art. 2, Sch.
- C5** S. 28E modified (1.1.2007) by The Accession (Immigration and Worker Authorisation) Regulations 2006 (S.I. 2006/3317), reg. 15(b)
- C6** S. 28E modified (29.2.2008) by Immigration, Asylum and Nationality Act 2006 (c. 13), ss. 21(3)(b), 62; S.I. 2008/310, art. 2(1) (subject to art. 5)
- C7** S. 28E 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. 28E modified (31.1.2008) by UK Borders Act 2007 (c. 30), ss. 23(2)(b), 59; S.I. 2008/99, art. 2
- C8** S. 28E modified (1.7.2013) by The Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (S.I. 2013/1460), regs. 1(1), 18(b) (with reg. 11(8))
- C9** S. 28E modified (1.7.2013) by The Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (S.I. 2013/1460), regs. 1(1), 15(3)(b), 18(b) (with reg. 11(8))
- C10** 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)
- C11** S. 28E(5): powers of seizure extended (1.4.2003) by 2001 c. 16, ss. 50, 52-55, 68, Sch. 1 Pt. 1 para. 15; S.I. 2003/708, art. 2

Status:

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