

# **BORDERS, CITIZENSHIP AND IMMIGRATION ACT 2009**

---

## **EXPLANATORY NOTES**

### **COMMENTARY**

#### **Part 1: Border Functions**

##### **Inspection and oversight**

##### ***Section 29: Inspections by Her Majesty's Inspectors of Constabulary etc.***

123. **Section 29(1)** provides that the Secretary of State may make regulations conferring functions on Her Majesty's Inspectors of Constabulary, the Scottish inspectors or the Northern Ireland inspectors in relation to designated customs officials and officials of the Secretary of State exercising customs functions, immigration officers, and officials of the Secretary of State exercising functions relating to immigration, asylum or nationality, the Secretary of State in so far as the Secretary of State has general customs functions and functions relating to immigration, asylum and nationality, the Director and any person exercising functions of the Director, and anyone providing services relating to the discharge of functions by any of these persons.
124. The inspectors to whom section 29 applies already have functions conferred on them in existing legislation and subsection (2) provides that regulations made under subsection (1) may apply, with or without modification or make provision similar to (a) in the case of Her Majesty's Inspectors of Constabulary sections 54 to 56 of the Police Act 1996, (b) in the case of the Scottish inspectors section 33 or 34 of the Police (Scotland) Act 1967 and (c) in relation to the Northern Ireland inspectors section 41 or 42 of the Police (Northern Ireland) Act 1998.
125. Subsection (3), (4), (5) and (6) of section 29 establish the framework, to be provided for in the regulations, for the commissioning and carrying out of inspections, for the reporting of their results and for the making of payments for the inspections. Subsection (3) provides that the regulations may enable a Minister of the Crown to require an inspection to be carried out; that regulations must provide for a report of an inspection to be made and, subject to any exceptions required or permitted by the regulations, published. Regulations must also provide for an annual report to be made by Her Majesty's Inspectors of Constabulary. Finally, regulations may make provision for payment to or in respect of the inspectors mentioned in subsection (1).
126. Subsection (4) provides that an inspection carried out by virtue of this section may not address a matter of a kind which the Comptroller and Auditor General may examine under section 6 of the National Audit Act 1983 (the examination of public bodies in respect of economy, efficiency and effectiveness in the discharge of their functions). Subsection (5) requires that an inspection carried out by virtue of this section must be carried out jointly by Her Majesty's Inspectors of Constabulary and the Scottish inspectors if the inspection is carried out wholly in Scotland or, in a case where it is carried out partly in Scotland, to the extent that it is carried out there. Subsection (6)

*These notes refer to the Borders, Citizenship and Immigration  
Act 2009 (c.11) which received Royal Assent on 21 July 2009*

defines “the Scottish inspectors” and “the Northern Ireland inspectors” for the purpose of this section.