



# Borders, Citizenship and Immigration Act 2009

## 2009 CHAPTER 11

### PART 1

#### BORDER FUNCTIONS

##### *Investigations and detention*

#### **23 Investigations and detention: England and Wales and Northern Ireland**

- (1) The Secretary of State may by order provide for any provision of an enactment listed in subsection (2) that relates to investigations of offences conducted by police officers or to persons detained by the police to apply, subject to such modifications as the order may specify, in relation to—
  - (a) investigations conducted by designated customs officials,
  - (b) persons detained by designated customs officials,
  - (c) investigations conducted by immigration officers, or
  - (d) persons detained by immigration officers.
- (2) Those enactments are—
  - (a) the Police and Criminal Evidence Act 1984 (c. 60), and
  - (b) the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)).
- (3) An order under this section may make, in relation to designated customs officials, immigration officers, the Secretary of State or the Director of Border Revenue, provision similar to that which may be made in relation to officers of Revenue and Customs or the Commissioners for Her Majesty's Revenue and Customs under—
  - (a) section 114 of the Police and Criminal Evidence Act 1984, or
  - (b) article 85 of the Police and Criminal Evidence (Northern Ireland) Order 1989.

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*Status: This is the original version (as it was originally enacted).*

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- (4) If an order under this section provides that a function may be exercised only by a person acting with the authority of the Secretary of State or the Director of Border Revenue, a certificate of the Secretary of State or (as the case may be) the Director that the person had authority to exercise the function is conclusive evidence of that fact.
- (5) An order under this section may amend or repeal section 22 (application of the PACE orders).