

SCHEDULES

SCHEDULE 1

ENFORCEMENT POWERS

Entry and search of premises

- 3 (1) Paragraph 25A of Schedule 2 to the Immigration Act 1971 (power to enter premises and search for documents following arrest) is amended as follows.
- (2) In sub-paragraph (1)(b) for “by a constable (other than under this Schedule)” substitute “other than under this Schedule”.
- (3) After sub-paragraph (6) insert—
- “(6A) If, on an application made by an immigration officer, a justice of the peace is satisfied that—
- (a) there are reasonable grounds for believing that relevant documents may be found on premises not within sub-paragraph (2) which are specified in the application, and
- (b) any of the conditions in sub-paragraph (6B) is met,
- the justice of the peace may issue a warrant authorising an immigration officer to enter and search the premises.
- (6B) The conditions are that—
- (a) it is not practicable to communicate with any person entitled to grant entry to the premises;
- (b) it is practicable to communicate with a person entitled to grant entry to the premises but it is not practicable to communicate with any person entitled to grant access to the relevant documents;
- (c) entry to the premises will not be granted unless a warrant is produced;
- (d) the purpose of a search may be frustrated or seriously prejudiced unless an immigration officer arriving at the premises can secure immediate entry.
- (6C) In the application of sub-paragraph (6A) to Scotland, references to a justice of the peace are to be treated as references to the sheriff or a justice of the peace.”
- (4) In sub-paragraph (7)—
- (a) for “sub-paragraph (2)” substitute “this paragraph”;
- (b) in paragraph (a) omit “and retain”;
- (c) omit paragraph (b) and the “but” before it.
- (5) After sub-paragraph (8) insert—

Status: This is the original version (as it was originally enacted).

- “(8A) An immigration officer may retain a document seized under subparagraph (7) while the officer has reasonable grounds for believing that—
- (a) the arrested person may be liable to removal from the United Kingdom in accordance with a provision of the Immigration Acts, and
 - (b) retention of the document may facilitate the person’s removal.”