

Status: Point in time view as at 01/12/2016.

Changes to legislation: Immigration Act 2016, Paragraph 3 is up to date with all changes known to be in force on or before 21 June 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)

SCHEDULES

SCHEDULE 8

AMENDMENTS TO SEARCH WARRANT PROVISIONS

Immigration Act 1971 (c. 77)

- 3 (1) Section 28FB (search for personnel records with warrant) is amended as follows.
- (2) In subsection (1)—
- (a) after “business premises” insert “ mentioned in subsection (1A) ”, and
 - (b) at the end of paragraph (c) insert “ in relation to each set of premises specified in the application. ”
- (3) After subsection (1) insert—
- “(1A) The premises referred to in subsection (1) above are—
- (a) one or more sets of premises specified in the application, or
 - (b) subject to subsection (3C), any premises occupied or controlled by a person specified in the application, including such sets of premises as are so specified (in which case the application is for an “all premises warrant”).
- (1B) If the application is for an all premises warrant, the justice of the peace must also be satisfied—
- (a) that there are reasonable grounds for believing that it is necessary to search premises occupied or controlled by the person in question which are not specified in the application in order to find the records referred to in subsection (1)(b), and
 - (b) that it is not reasonably practicable to specify in the application all the premises which the person occupies or controls and which might need to be searched.”

(4) In subsection (2) for “Those conditions are” substitute “ The conditions referred to in subsection (1)(c) are ”.

(5) After subsection (3) insert—

“(3A) Subject to subsection (3C), the warrant may authorise entry to and search of premises on more than one occasion if, on the application, the justice of the peace is satisfied that it is necessary to authorise multiple entries in order to achieve the purpose for which the justice issues the warrant.

(3B) If it authorises multiple entries, the number of entries authorised may be unlimited, or limited to a maximum.

(3C) A justice of the peace in Scotland may not issue—

 - (a) an all premises warrant under this section, or

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(b) a warrant under this section authorising multiple entries.”

Commencement Information

II Sch. 8 para. 3 in force at 1.12.2016 by S.I. 2016/1037, reg. 5(k)

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