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**Changes to legislation:** Immigration Act 2016, Paragraph 5 is up to date with all changes known to be in force on or before 22 August 2023. 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) View outstanding changes

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## SCHEDULES

### SCHEDULE 8

#### AMENDMENTS TO SEARCH WARRANT PROVISIONS

##### *Immigration Act 1971 (c. 77)*

- 5 (1) Section 28K (execution of warrants) is amended as follows.
- (2) After subsection (2) insert—
- “(2A) A person so authorised has the same powers as the officer whom the person accompanies in respect of—
- (a) the execution of the warrant, and
  - (b) the seizure or detention of anything to which the warrant relates.
- (2B) But the person may exercise those powers only in the company, and under the supervision, of an immigration officer.”
- (3) In subsection (3) for “one month” substitute “ three months ”.
- (4) After subsection (3) insert—
- “(3A) If the warrant is an all premises warrant, no premises which are not specified in it may be entered or searched unless an immigration officer of at least the rank of chief immigration officer has in writing authorised them to be entered.
- (3B) No premises may be entered or searched for the second or any subsequent time under a warrant which authorises multiple entries unless an immigration officer of at least the rank of chief immigration officer has in writing authorised that entry to those premises.”
- (5) In subsection (4)(a) after “and” insert “ , if not in uniform, ”.
- (6) After subsection (8) insert—
- “(8A) Unless the warrant is a warrant specifying one set of premises only, the officer must comply with subsection (8) separately in respect of each set of premises entered and searched.
- (8B) Subject to subsection (8C), a warrant must be returned in accordance with subsection (9)—
- (a) when it has been executed, or
  - (b) in the case of a specific premises warrant which has not been executed, an all premises warrant or any warrant authorising multiple entries, on the expiry of the period of three months referred to in subsection (3) or sooner.

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(8C) Subsection (8B) does not apply to a warrant issued by a justice of the peace in Scotland or by the sheriff if the warrant has been executed.”

(7) In subsection (9) for the words from “A warrant” to “its execution,” substitute “ The warrant ”.

(8) After subsection (13) insert—

“(13A) In subsection (8B)—

“specific premises warrant” means a warrant which is not an all premises warrant;

“all premises warrant” means a warrant issued in response to an application of the kind mentioned in section 24E(6)(b), 28D(1A)(b) or 28FB(1A)(b) or paragraph 25A(6AA)(b) of Schedule 2.

(13B) The reference in subsection (8B) to a warrant authorising multiple entries is to a warrant of the kind mentioned in section 24E(8), 28D(1C) or 28FB(3A) or paragraph 25A(6AC) of Schedule 2.”

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**Commencement Information**

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

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2017/1241, Sch. by [S.I. 2018/31 reg. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 69(9)(d) and word inserted by [2023 c. 37 s. 21\(2\)\(b\)](#)
- Sch. 10 para. 3(2)(eza) inserted by [2023 c. 37 s. 13\(3\)\(a\)](#)
- Sch. 10 para. 3(3A)-(3C) inserted by [2023 c. 37 s. 13\(3\)\(b\)](#)
- Sch. 10 para. 3A and cross-heading inserted by [2023 c. 37 s. 13\(4\)](#)