

SCHEDULE 1

MODIFICATION OF PART 2 OF THE 2002 ACT

- 16.—**(1) Section 29 of the 2002 Act (interpretation of Part 2)(1) is modified as follows.
- (2) In subsection (1)—
- (a) for the definition of “the appropriate authority” substitute—
““the appropriate authority” means a person nominated by the Secretary of State;”;
 - (b) after the definition of “complaint” insert—
““Complaints Regulations” means the Police (Complaints and Misconduct) Regulations 2004(2);”;
 - (c) for the definition of “disciplinary proceedings” substitute—
““disciplinary proceedings” means, in relation to an immigration officer exercising specified enforcement functions or an official of the Secretary of State exercising specified enforcement functions in relation to immigration or asylum, any proceedings or management process, other than criminal proceedings or an investigation under paragraphs 16 to 19 of Schedule 3, in which the conduct of such a person is considered in order to determine whether a sanction or punitive measure is to be imposed against him in relation to that conduct;”;
 - (d) after the definition of “document” insert—
““immigration decision” has the meaning given in section 82(2) of the Nationality, Immigration and Asylum Act 2002;”;
 - (e) for the definition of “local resolution” substitute—
““local resolution” in relation to a complaint, means the handling of that complaint in accordance with a procedure which does not involve a formal investigation by the Secretary of State;”;
 - (f) omit the definition of “relevant force”.
 - (g) omit the definition of “senior officer”.
 - (h) omit the definition of “serving with the police”.
- (3) For (1A) and (1B) insert—
- “(1A) In this Part “specified enforcement functions” means, subject to subsections (1B) and (1C)—
 - (a) powers of entry;
 - (b) powers to search persons and property;
 - (c) powers to seize or detain property;
 - (d) powers to arrest persons;
 - (e) powers to detain persons;
 - (f) powers to examine persons or otherwise obtain information (including powers to take fingerprints or to acquire other personal data); and
 - (g) powers in connection with the removal of persons from the United Kingdom.
 - (1B) The following shall not be regarded as an enforcement function—

(1) Section 29 of the 2002 Act has been amended by: sections 55(1) and 160 of, paragraphs 1 and 2 of Schedule 2 to, and paragraphs 1 and 10 of Schedule 12 to, the Serious Organised Crime and Police Act 2005; and sections 1(3) and 52 of, paragraphs 80 and 88 of Schedule 1 to, and Schedule 15 to, the Police and Justice Act 2006.

(2) [S.I. 2004/643](#) as amended by [S.I. 2006/1406](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (i) the making of an immigration decision;
- (ii) the making of any decision to grant or refuse asylum; or
- (iii) the giving of any directions to remove persons from the United Kingdom.

(1C) For the avoidance of doubt, references to “specified enforcement functions” in subsection (1A) include their exercise in connection with any authorisation granted under Part 2 of the Regulation of Investigatory Powers Act 2000.”.

- (4) In subsection (3)—
 - (a) for paragraph (a) substitute—
 - “(a) an immigration officer exercising specified enforcement functions; or”;
 - (b) for paragraph (b) substitute—
 - “(b) an official of the Secretary of State exercising specified enforcement functions in relation to immigration or asylum”; and
 - (c) omit paragraphs (c) and (d).
- (5) In subsection (4)—
 - (a) in paragraph (a) for “chief officer” substitute “person”; and
 - (b) for “to (d)” substitute “or (b)”.
- (6) In subsection (6), for “17, 18” substitute “17, 17A, 18, 18A”.
- (7) Omit subsection (7).