

SCHEDULE 3

Exercise of functions by officials other than police constables

PART 1

General

Interpretation

1.—(1) In this Schedule—

“constable” has the meaning given by section 99(1) of the Police and Fire Reform (Scotland) Act 2012⁽¹⁾;

“designated customs official” means a person who is designated as a general customs official under section 3(1) of the Borders, Citizenship and Immigration Act 2009⁽²⁾ or as a customs revenue official under section 11(1) of that Act;

“Home Office custody suite” means premises wholly or partly used for the detention of persons by designated customs officials;

“immigration offence” means—

- (a) an offence involving conduct which relates to the entitlement of one or more persons who are not nationals of the United Kingdom to enter, transit across, or be in, the United Kingdom (including conduct which relates to conditions or other controls on any such entitlement); or
- (b) (insofar as it is not an offence within paragraph (a)) an offence under the Immigration Acts or in relation to which a power of arrest is conferred on an immigration officer by the Immigration Acts;

“immigration officer” means a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971⁽³⁾;

“nationality offence” means an offence involving conduct which is undertaken for the purposes of, or otherwise in relation to, an enactment in—

- (a) the British Nationality Act 1981⁽⁴⁾;
- (b) the Hong Kong Act 1985⁽⁵⁾;
- (c) the Hong Kong (War Wives and Widows) Act 1996⁽⁶⁾;
- (d) the British Nationality (Hong Kong) Act 1997⁽⁷⁾;
- (e) the British Overseas Territories Act 2002⁽⁸⁾;
- (f) an instrument made under any of those Acts;

“office of Revenue and Customs” means premises wholly or partly occupied by Her Majesty’s Revenue and Customs.

(1) 2012 asp 8.

(2) 2009 c.11.

(3) 1971 c.77. The amendments to Schedule 2 are not relevant to this Order.

(4) 1981 c.61.

(5) 1985 c.15.

(6) 1996 c.41.

(7) 1997 c.20.

(8) 2002 c.8.

Status: This is the original version (as it was originally made).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

(2) In sub-paragraph (1), “the Immigration Acts” has the meaning given by section 61 of the UK Borders Act 2007⁽⁹⁾.

⁽⁹⁾ 2007 c.30.