



Asylum and Immigration (Treatment of Claimants, etc.) Act 2004

2004 CHAPTER 19

Enforcement powers

14 Immigration officer: power of arrest

- (1) Where an immigration officer in the course of exercising a function under the Immigration Acts forms a reasonable suspicion that a person has committed or attempted to commit an offence listed in subsection (2), he may arrest the person without warrant.
- (2) Those offences are—
 - (a) the offence of conspiracy at common law (in relation to conspiracy to defraud),
 - (b) at common law in Scotland, any of the following offences—
 - (i) fraud,
 - (ii) conspiracy to defraud,
 - (iii) uttering and fraud,
 - (iv) bigamy,
 - (v) theft, and
 - (vi) reset,
 - (c) an offence under section 57 of the Offences against the Person Act 1861 (c. 100) (bigamy),
 - (d) an offence under section 3 or 4 of the Perjury Act 1911 (c. 6) (false statements),
 - (e) an offence under section 7 of that Act (aiding, abetting &c.) if it relates to an offence under section 3 or 4 of that Act,
 - (f) an offence under section 53 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49) (knowingly giving false information to district registrar, &c.),
 - (g) an offence under any of the following provisions of the Theft Act 1968 (c. 60)—

Status: This is the original version (as it was originally enacted).

- (i) section 1 (theft),
 - (ii) section 15 (obtaining property by deception),
 - (iii) section 16 (obtaining pecuniary advantage by deception),
 - (iv) section 17 (false accounting), and
 - (v) section 22 (handling stolen goods),
- (h) an offence under section 1, 15, 16, 17 or 21 of the Theft Act (Northern Ireland) 1969 (c. 16) (N.I.),
- (i) an offence under section 1 or 2 of the Theft Act 1978 (c. 31) (obtaining services, or evading liability, by deception),
- (j) an offence under Article 3 or 4 of the Theft (Northern Ireland) Order 1978 (S.I. 1978/1407 (N.I. 23)),
- (k) an offence under Article 8 or 9 of the Perjury (Northern Ireland) Order 1979 (S.I. 1979/1714 (N.I. 19)),
- (l) an offence under Article 12 of that Order if it relates to an offence under Article 8 or 9 of that Order,
- (m) an offence under any of the following provisions of the Forgery and Counterfeiting Act 1981 (c. 45)—
- (i) section 1 (forgery),
 - (ii) section 2 (copying false instrument),
 - (iii) section 3 (using false instrument),
 - (iv) section 4 (using copy of false instrument), and
 - (v) section 5(1) and (3) (false documents),
- (n) an offence under any of sections 57 to 59 of the Sexual Offences Act 2003 (c. 42) (trafficking for sexual exploitation),
- (o) an offence under section 22 of the Criminal Justice (Scotland) Act 2003 (asp 7) (trafficking in prostitution), and
- (p) an offence under section 4 of this Act.
- (3) The following provisions of the Immigration Act 1971 (c. 77) shall have effect for the purpose of making, or in connection with, an arrest under this section as they have effect for the purpose of making, or in connection with, arrests for offences under that Act—
- (a) section 28C (entry and search before arrest),
 - (b) sections 28E and 28F (entry and search after arrest),
 - (c) sections 28G and 28H (search of arrested person), and
 - (d) section 28I (seized material).
- (4) In section 19D(5)(a) of the Race Relations Act 1976 (c. 74) (permitted discrimination) —
- (a) for “(within the meaning of section 158 of the Nationality, Immigration and Asylum Act 2002)” substitute “(within the meaning of section 44 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004)”, and
 - (b) at the end add “and excluding section 14 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004”.