



UK Borders Act 2007

2007 CHAPTER 30

Information

45 Search for evidence of nationality: other premises

- (1) This section applies where an individual—
- has been arrested on suspicion of the commission of an offence, and
 - has not been released without being charged with an offence.
- (2) If, on an application made by an immigration officer or a constable, a justice of the peace is satisfied that there are reasonable grounds for believing that—
- the individual may not be a British citizen,
 - nationality documents relating to the individual may be found on premises [^{F1}mentioned in subsection (2A)],
 - the documents would not be exempt from seizure under section 46(2), and
 - any of the conditions in subsection (3) below applies [^{F2}in relation to each set of premises specified in the application,]

the justice of the peace may issue a warrant authorising an immigration officer or constable to enter and search the premises.

[^{F3}(2A) The premises referred to in subsection (2)(b) above are—

- one or more sets of premises specified in the application, or
- subject to subsection (3A), 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”).

(2B) If the application is for an all premises warrant, the justice of the peace must also be satisfied—

- 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 nationality documents, and
- 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.

Changes to legislation: There are currently no known outstanding effects for the UK Borders Act 2007, Section 45. (See end of Document for details)

- (2C) Subject to subsection (3A), 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.
- (2D) If it authorises multiple entries, the number of entries authorised may be unlimited, or limited to a maximum.]
- (3) The conditions [^{F4}mentioned in subsection (2)(d)] are that—
- (a) it is not practicable to communicate with any person entitled to grant entry to the premises;
 - (b) it is practicable to communicate with a person entitled to grant entry to the premises but it is not practicable to communicate with any person entitled to grant access to the nationality documents;
 - (c) entry to the premises will not be granted unless a warrant is produced;
 - (d) the purpose of a search may be frustrated or seriously prejudiced unless an immigration officer or constable arriving at the premises can secure immediate entry.
- [^{F5}(3A) A justice of the peace in Scotland may not issue—
- (a) an all premises warrant under this section, or
 - (b) a warrant under this section authorising multiple entries.]
- (4) Sections 28J and 28K of the Immigration Act 1971 (c. 77) (warrants: application and execution) apply, with any necessary modifications, to warrants under this section.
- (5) In the application of this section to Scotland a reference to a justice of the peace shall be treated as a reference to the sheriff or a justice of the peace.
- [^{F6}(6) In the application of this section to Northern Ireland a reference to a justice of the peace is to be treated as a reference to a lay magistrate.]

Textual Amendments

- F1** Words in s. 45(2)(b) substituted (1.12.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 8 para. 7(2)(a)**; [S.I. 2016/1037](#), reg. 5(k)
- F2** Words in s. 45(2)(d) inserted (1.12.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 8 para. 7(2)(b)**; [S.I. 2016/1037](#), reg. 5(k)
- F3** S. 45(2A)-(2D) inserted (1.12.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 8 para. 7(3)**; [S.I. 2016/1037](#), reg. 5(k)
- F4** Words in s. 45(3) inserted (1.12.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 8 para. 7(4)**; [S.I. 2016/1037](#), reg. 5(k)
- F5** S. 45(3A) inserted (1.12.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 8 para. 7(5)**; [S.I. 2016/1037](#), reg. 5(k)
- F6** S. 45(6) inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 79(3)**, 87(1); [S.I. 2022/590](#), regs. 1(2), 2, **Sch. 1 para. 28**
-

Commencement Information

- I1** S. 45 in force at 31.3.2008 by [S.I. 2008/309](#), **art. 3(b)**

Changes to legislation:

There are currently no known outstanding effects for the UK Borders Act 2007, Section 45.