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SCHEDULES

SCHEDULE 3

Section 9.

SUPPLEMENTAL PROVISIONS FOR SECTIONS 1 TO 8

PART I

ORDERS UNDER SECTION 8

- 1 (1) In this Part of this Schedule references to an order are to an order made under section 8 of this Act.
- (2) An order shall provide for the appointment as examining officers of—
 - (a) constables,
 - (b) immigration officers appointed for the purposes of the Immigration Act 1971 under paragraph 1 of Schedule 2 to that Act, and
 - (c) officers of customs and excise who are the subject of arrangements for their employment as immigration officers, made by the Secretary of State under the said paragraph 1.
- (3) In Northern Ireland members of Her Majesty's forces may perform such functions conferred on examining officers as are specified in the order.
- (4) Where, by virtue of subsection (2)(b) of section 8, an order confers powers of search and of detaining articles on an examining officer, the order may also confer power on the examining officer to authorise any other person to exercise, on his behalf, any of the powers conferred by virtue of that subsection.
- (5) An order may—
 - (a) in the case of ships and aircraft—
 - (i) coming to Great Britain from the Republic of Ireland, Northern Ireland, the Channel Islands or the Isle of Man, or
 - (ii) going from Great Britain to any other of those places, restrict the ports, areas or places in Great Britain which they may use, and
 - (b) provide for the supply and use of—
 - (i) landing cards by passengers disembarking in Great Britain from ships or aircraft, and
 - (ii) embarkation cards by passengers boarding ships or aircraft about to leave Great Britain.
- (6) The persons on whom duties may be imposed by the order shall include persons arriving in, or leaving, Great Britain or Northern Ireland whether as passengers or otherwise, and captains, owners or agents of ships or aircraft.
- (7) Without prejudice to the generality of section 8 or of the preceding provisions of this paragraph, an order may contain such supplemental or incidental provisions as appear to the Secretary of State to be expedient, and may contain provisions comparable

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to those contained in or made under the following administrative provisions of the Immigration Act 1971, that is to say, section 33(3) (designation of ports of entry and exit) and the following paragraphs of Schedule 2:—

Paragraph

4	Duties of persons being examined, and powers to search them and their belongings.
5	Orders about landing and embarkation cards.
8, 10 and 11	Arrangements for the removal of persons.
16, 17 and 18(3)	Detention of persons liable to examination or removal.
26 and 27	Supplemental duties of those connected with ships or aircraft or with ports.

- (8) A person who knowingly contravenes or fails to comply with an order shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding £200, or to imprisonment for not more than three months, or both.
- (9) Examining officers appointed in pursuance of sub-paragraph (2) above shall exercise their functions under this Act in accordance with such instructions as may from time to time be given them by the Secretary of State.
- 2 (1) In the case of ships or aircraft—
- (a) coming to Northern Ireland from any of the other places mentioned in paragraph 1(5) above, or
 - (b) going to Northern Ireland from any of those places,
- an order may restrict the ports, areas or places in Northern Ireland which they may use.
- (2) An order may provide for the supply and use of landing cards and embarkation cards by persons disembarking in Northern Ireland from ships or aircraft, or boarding ships or aircraft about to leave Northern Ireland.
- 3 An order may make such provision as appears to the Secretary of State expedient as respects persons who enter or leave Northern Ireland by land, or who seek to do so.

PART II

OFFENCES, DETENTION, ETC

Prosecution of offences

- 4 (1) Proceedings for an offence under section 1, 2 or 3 of this Act shall not be instituted in England or Wales, or (for section 3) in Northern Ireland, except by or with the consent of the Attorney General.

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- (2) Sub-paragraph (1) above shall not prevent the issue or execution of a warrant for the arrest of any person in respect of an offence, or the remanding in custody or on bail of any person charged with an offence.

Search warrants

- 5 (1) If a justice of the peace is satisfied that there is reasonable ground for suspecting that—
- (a) evidence of the commission of an offence under section 1 or 3 of this Act, or
 - (b) evidence sufficient to justify the making of an order under section 1 of this Act or an exclusion order,
- is to be found at any premises or place, he may grant a search warrant authorising entry to the premises or place.
- (2) An application for a warrant under sub-paragraph (1) above shall be made by a member of a police force of a rank not lower than the rank of an inspector, and he shall give his information to the justice on oath.
- (3) The warrant shall authorise the applicant, and any other member of any police force, to enter the premises or place, if necessary by force, and to search the premises or place and every person found therein and to seize anything found on the premises or place, or on any such person, which any member of a police force acting under the warrant has reasonable grounds for suspecting to be evidence falling within sub-paragraph (1) above.
- (4) If a member of a police force of a rank not lower than the rank of superintendent has reasonable grounds for believing that the case is one of great emergency and that in the interests of the State immediate action is necessary, he may by a written order signed by him give to any member of a police force the authority which may be given by a search warrant under this paragraph.
- (5) Where any authority is so given, particulars of the case shall be notified as soon as may be to the Secretary of State.
- (6) No woman shall, in pursuance of a warrant or order given under this paragraph, be searched except by a woman.
- (7) In the application of this paragraph to Scotland, for any reference to a justice of the peace there shall be substituted a reference to a sheriff or a magistrate or justice of the peace ; and for any reference to information on oath there shall be substituted a reference to evidence on oath.

Detention: supplemental provisions

- 6 (1) A person may be detained—
- (a) in right of an arrest under section 7 of this Act, or
 - (b) under any provision contained in or made under section 8 of this Act, or Part I of this Schedule,
- in such place as the Secretary of State may from time to time direct (when not detained in accordance with an order under section 8 of this Act on board a ship or aircraft).
- (2) A person shall be deemed to be in legal custody at any time when he is so detained.

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- (3) Where a person is so detained, any examining officer, constable or prison officer, or any other person authorised by the Secretary of State, may take all such steps as may be reasonably necessary for photographing, measuring or otherwise identifying him.

Powers of search without warrant

- 7 (1) In any circumstances in which a constable has power under section 7 of this Act to arrest a person, he may also, for the purpose of ascertaining whether he has in his possession any document or other article which may constitute evidence that he is a person liable to arrest, stop that person, and search him.
- (2) Where a constable has arrested a person under the said section, for any reason other than for the commission of a criminal offence, he, or any other constable, may search him for the purpose of ascertaining whether he has in his possession any document or other article which may constitute evidence that he is a person liable to arrest.
- (3) No woman shall in pursuance of this paragraph be searched except by a woman.

Evidence in proceedings

- 8 (1) Any document purporting to be an order, notice or direction made or given by the Secretary of State for the purposes of any provision contained in or made under this Act and to be signed by him or on his behalf shall be received in evidence, and shall, until the contrary is proved, be deemed to be made or given by him.
- (2) Prima facie evidence of any such order, notice or direction may, in any legal proceedings, be given by the production of a document bearing a certificate purporting to be signed by or on behalf of the Secretary of State and stating that the document is a true copy of the order, notice or direction; and the certificate shall be received in evidence, and shall, until the contrary is proved, be deemed to be made or issued by the Secretary of State.

Application to Northern Ireland

- 9 (1) This Part of this Schedule shall extend to Northern Ireland so far as it relates to an offence under section 3 of this Act in respect of an exclusion order which prohibits a person from being in, or entering, the United Kingdom (and not only Great Britain).
- (2) The Secretary of State may by order contained in a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament make such adaptations of this Part of this Schedule as appear to him expedient for the purpose of its application to Northern Ireland in accordance with this paragraph.