



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART VII

POWER TO ARREST, SEARCH AND FINGERPRINT

Power to enter and search premises

133 **Entry and search of premises following arrest under section 25(1) of the 1971 Act**

In the 1971 Act, after section 28E, insert—

“28F Entry and search of premises following arrest under section 25(1)

- (1) An immigration officer may enter and search any premises occupied or controlled by a person arrested for an offence under section 25(1).
- (2) The power may be exercised—
 - (a) only if the officer has reasonable grounds for suspecting that there is relevant evidence on the premises;
 - (b) only to the extent that it is reasonably required for the purpose of discovering relevant evidence; and
 - (c) subject to subsection (3), only if a senior officer has authorised it in writing.
- (3) The power may be exercised—
 - (a) before taking the arrested person to a place where he is to be detained; and
 - (b) without obtaining an authorisation under subsection (2)(c), if the presence of that person at a place other than one where he is to be detained is necessary for the effective investigation of the offence.

Status: This is the original version (as it was originally enacted).

- (4) An officer who has relied on subsection (3) must inform a senior officer as soon as is practicable.
- (5) The officer authorising a search, or who is informed of one under subsection (4), must make a record in writing of—
 - (a) the grounds for the search; and
 - (b) the nature of the evidence that was sought.
- (6) An officer searching premises under this section may seize and retain anything he finds which he has reasonable grounds for suspecting is relevant evidence.
- (7) “Relevant evidence” means evidence, other than items subject to legal privilege, that relates to the offence in question.
- (8) “Senior officer” means an immigration officer not below the rank of chief immigration officer.”