



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART VII

POWER TO ARREST, SEARCH AND FINGERPRINT

Seized material: access and copying

136 Access and copying.

(1) In the 1971 Act, after section 28H, insert—

“28I Seized material: access and copying.

- (1) If a person showing himself—
 - (a) to be the occupier of the premises on which seized material was seized, or
 - (b) to have had custody or control of the material immediately before it was seized,asks the immigration officer who seized the material for a record of what he seized, the officer must provide the record to that person within a reasonable time.
- (2) If a relevant person asks an immigration officer for permission to be granted access to seized material, the officer must arrange for him to have access to the material under the supervision—
 - (a) in the case of seized material within subsection (8)(a), of an immigration officer;
 - (b) in the case of seized material within subsection (8)(b), of a constable.
- (3) An immigration officer may photograph or copy, or have photographed or copied, seized material.

Changes to legislation: Immigration and Asylum Act 1999, Section 136 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) If a relevant person asks an immigration officer for a photograph or copy of seized material, the officer must arrange for—
- (a) that person to have access to the material for the purpose of photographing or copying it under the supervision—
 - (i) in the case of seized material within subsection (8)(a), of an immigration officer;
 - (ii) in the case of seized material within subsection (8)(b), of a constable; or
 - (b) the material to be photographed or copied.
- (5) A photograph or copy made under subsection (4)(b) must be supplied within a reasonable time.
- (6) There is no duty under this section to arrange for access to, or the supply of a photograph or copy of, any material if there are reasonable grounds for believing that to do so would prejudice—
- (a) the exercise of any functions in connection with which the material was seized; or
 - (b) an investigation which is being conducted under this Act, or any criminal proceedings which may be brought as a result.
- (7) “Relevant person” means—
- (a) a person who had custody or control of seized material immediately before it was seized, or
 - (b) someone acting on behalf of such a person.
- (8) “Seized material” means anything—
- (a) seized and retained by an immigration officer, or
 - (b) seized by an immigration officer and retained by the police, under this Part.”
- (2) In the 1971 Act, in Schedule 2 after paragraph 25C, insert—

Access and copying

- “25D (1) If a person showing himself—
- (a) to be the occupier of the premises on which seized material was seized, or
 - (b) to have had custody or control of the material immediately before it was seized,
- asks the immigration officer who seized the material for a record of what he seized, the officer must provide the record to that person within a reasonable time.
- (2) If a relevant person asks an immigration officer for permission to be granted access to seized material, the officer must arrange for that person to have access to the material under the supervision of an immigration officer.
- (3) An immigration officer may photograph or copy, or have photographed or copied, seized material.

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- (4) If a relevant person asks an immigration officer for a photograph or copy of seized material, the officer must arrange for—
 - (a) that person to have access to the material under the supervision of an immigration officer for the purpose of photographing or copying it; or
 - (b) the material to be photographed or copied.
- (5) A photograph or copy made under sub-paragraph (4)(b) must be supplied within a reasonable time.
- (6) There is no duty under this paragraph to arrange for access to, or the supply of a photograph or copy of, any material if there are reasonable grounds for believing that to do so would prejudice—
 - (a) the exercise of any functions in connection with which the material was seized; or
 - (b) an investigation which is being conducted under this Act, or any criminal proceedings which may be brought as a result.
- (7) “Relevant person” means—
 - (a) a person who had custody or control of seized material immediately before it was seized, or
 - (b) someone acting on behalf of such a person.
- (8) “Seized material” means anything which has been seized and retained under this Schedule.”

Changes to legislation:

Immigration and Asylum Act 1999, Section 136 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 10(12) inserted by 2023 c. 37 s. 10(6)
- s. 40(1)-(1C) substituted for s. 40(1) by 2022 c. 36 s. 76(2)
- s. 40(4A)(4B) inserted by 2022 c. 36 s. 76(5)
- s. 72(10) repealed by 2004 c. 19 Sch. 4
- s. 94(2A)-(2C) inserted by 2016 c. 19 Sch. 11 para. 3(3)
- s. 94(2D) inserted by 2016 c. 19 Sch. 11 para. 7(4)
- s. 94(3)(3A) substituted for s. 94(3) by 2002 c. 41 s. 44(4) (This amendment is repealed (prosp.) by 2016 c. 19, Sch. 11 para. 41)
- s. 94(3A)-(3D) inserted by 2016 c. 19 Sch. 11 para. 3(5)
- s. 95A inserted by 2016 c. 19 Sch. 11 para. 9
- s. 96(1A) inserted by 2016 c. 19 Sch. 11 para. 10(3)
- s. 97(3A)(b)(iv) inserted by 2022 c. 36 s. 13(2)(c)(ii)
- s. 97(8)(9) inserted by 2016 c. 19 Sch. 11 para. 11(4)
- s. 98A inserted by 2016 c. 19 Sch. 11 para. 13
- s. 98A(5) inserted by 2022 c. 36 s. 13(4)
- s. 103(4)(a) words substituted by 2004 c. 19 s. 10(4)(b)
- s. 103(5)(b) word substituted by S.I. 2008/2833 Sch. 3 para. 183(ii)
- s. 103A(1) words substituted by 2004 c. 19 s. 10(5)
- s. 103A(1) heading words substituted by 2004 c. 19 s. 10(5)
- s. 103A(1) words substituted by S.I. 2008/2833 Sch. 3 para. 184
- s. 125(2)(ba) inserted by 2016 c. 19 Sch. 11 para. 22(3)(b)
- s. 146(2)(za) inserted by 2016 c. 19 s. 44(9)
- s. 166(5)(ca) substituted for word in s. 166(5)(c) by 2016 c. 19 Sch. 11 para. 24(2)
- s. 166(5A)(5B) inserted by 2016 c. 19 Sch. 11 para. 24(3)
- s. 166(6)(aa) substituted for word in s. 166(6)(a) by 2016 c. 19 Sch. 11 para. 24(4)
- Sch. 2 para. 21 modified by 2002 c. 41 s. 23(2)(a)
- Sch. 3 para. 2(5) modified by 2002 c. 41 s. 23(2)(b)