



UK Borders Act 2007

2007 CHAPTER 30

Enforcement

24 [F1Exercise of civil recovery powers by immigration officers]

[F2(1) Chapters 3 to [F33B][F33F] of Part 5 of the Proceeds of Crime Act 2002 (civil recovery) apply in relation to an immigration officer as they apply in relation to a constable.]

(2) For that purpose—

[F4(a) “unlawful conduct”, in or in relation to [F5sections 289 and 303C and [F6Chapter 3B][F6Chapters 3B to 3F]], means conduct which—

- (i) relates to the entitlement of one or more persons who are not nationals of the United Kingdom to enter, transit across, or be in, the United Kingdom (including conduct which relates to conditions or other controls on any such entitlement), or
- (ii) is undertaken for the purposes of, or otherwise in relation to, a relevant nationality enactment,

and (in either case) constitutes an offence,]

(c) “senior officer” in [F7sections 290 [F8, 297A and 303E and in Chapter 3B (see section 303Z2(4))][F9, Chapter 3C (see section 303Z20(4)), Chapter 3D (see section 303Z36(8)) and Chapter 3E (see section 303Z41(9))] means an official of the Secretary of State who is a civil servant [F10at or above the grade which is designated by the Secretary of State as being equivalent to the rank of police inspector],

(d) in [F11sections 292 and 303G][F12(including as section 303G is applied by section 303Z25)] the words “(in relation to England and Wales [F13...))” shall be disregarded,

(e) [F14sections 293 [F15, 293A, 303H and 303I][F16(including as sections 303H and 303I are applied by section 303Z25)] shall not apply,

(f) an application for an order under section 295(2) [F17or 303L(1)][F17, 303L(1), 303Z28(1) or (4), 303Z32(1) or (4) or 303Z57(3) or (5)] must be made—

- (i) in relation to England and Wales or Northern Ireland, by an immigration officer, and

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- (ii) in relation to Scotland, by the Scottish Ministers in connection with their functions under section 298 [^{F18}or (as the case may be) 303O][^{F18}, 303O, 303Z41 or (as the case may be) 303Z60] or by a procurator fiscal,
- (g) an application for forfeiture under section 298 [^{F19}, 303O [^{F20}or 303Z14][^{F20}, 303Z14, 303Z41 or 303Z60]] must be made—
- (i) in relation to England and Wales or Northern Ireland, by an immigration officer, and
- (ii) in relation to Scotland, by the Scottish Ministers, and
- (h) any compensation under section 302 [^{F21}, 303W [^{F22}or 303Z18][^{F22}, 303Z18, 303Z52 or 303Z64]] shall be paid by the Secretary of State.
- [^{F23}(2A) In subsection (2)(a)(ii) “ relevant nationality enactment ” means any enactment in—
- (a) the British Nationality Act 1981,
- (b) the Hong Kong Act 1985,
- (c) the Hong Kong (War Wives and Widows) Act 1996,
- (d) the British Nationality (Hong Kong) Act 1997,
- (e) the British Overseas Territories Act 2002, or
- (f) an instrument made under any of those Acts.]
- (3) The Secretary of State may by order amend subsection (2)(c) to reflect a change in nomenclature; and an order—
- (a) shall be made by statutory instrument, and
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F1** S. 24 heading substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 21\(2\)](#), 58(1)(6); [S.I. 2018/78](#), reg. 3(f); [S.I. 2021/724](#), reg. 2(1)(i)
- F2** S. 24(1) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 21\(3\)](#), 58(1)(6); [S.I. 2018/78](#), reg. 3(f); [S.I. 2021/724](#), reg. 2(1)(i)
- F3** Word in s. 24(1) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b)(d), [Sch. 9 para. 17\(2\)](#)
- F4** S. 24(2)(a) substituted for s. 24(2)(a)(b) (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), [ss. 55\(6\)\(a\)](#), 61(2) (with [Sch. 21 para. 40](#)); [S.I. 2013/1042](#), art. 4(g)
- F5** Words in s. 24(2)(a) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 21\(4\)](#), 58(1)(6); [S.I. 2018/78](#), reg. 3(f); [S.I. 2021/724](#), reg. 2(1)(i)
- F6** Words in s. 24(2)(a) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b)(d), [Sch. 9 para. 17\(3\)](#)
- F7** Words in s. 24(2)(c) substituted (1.6.2015) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(1), [Sch. 7 para. 113](#); [S.I. 2015/983](#), arts. 2(2)(e), 3(hh)
- F8** Words in s. 24(2)(c) substituted (27.4.2017 for specified purposes, 30.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 21\(5\)](#), 58(1)(6); [S.I. 2018/78](#), reg. 2(c); [S.I. 2021/724](#), reg. 2(1)(i)
- F9** Words in s. 24(2)(c) inserted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b)(d), [Sch. 9 para. 17\(4\)](#)

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- F10** Words in s. 24(2)(c) substituted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 21 para. 39](#) (with [Sch. 21 para. 40](#)); S.I. 2013/1042, art. 4(l)
- F11** Words in s. 24(2)(d) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 21\(6\)](#), 58(1)(6); S.I. 2018/78, reg. 3(f); S.I. 2021/724, reg. 2(1)(i)
- F12** Words in s. 24(2)(d) inserted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b)(d), [Sch. 9 para. 17\(5\)](#)
- F13** Words in s. 24(2)(d) omitted (18.10.2012) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2012 \(S.I. 2012/2595\)](#), arts. 1(2), [16\(2\)](#) (with arts. 24-28)
- F14** Words in s. 24(2)(e) substituted (18.10.2012) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2012 \(S.I. 2012/2595\)](#), arts. 1(2), [16\(3\)](#) (with arts. 24-28)
- F15** Words in s. 24(2)(e) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 21\(7\)](#), 58(1)(6); S.I. 2018/78, reg. 3(f); S.I. 2021/724, reg. 2(1)(i)
- F16** Words in s. 24(2)(e) inserted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b)(d), [Sch. 9 para. 17\(6\)](#)
- F17** Words in s. 24(2)(f) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b)(d), [Sch. 9 para. 17\(7\)\(a\)](#)
- F18** Words in s. 24(2)(f)(ii) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b)(d), [Sch. 9 para. 17\(7\)\(b\)](#)
- F19** Words in s. 24(2)(g) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 21\(10\)](#), 58(1)(6); S.I. 2018/78, reg. 3(f); S.I. 2021/724, reg. 2(1)(i)
- F20** Words in s. 24(2)(g) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b)(d), [Sch. 9 para. 17\(8\)](#)
- F21** Words in s. 24(2)(h) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 21\(11\)](#), 58(1)(6); S.I. 2018/78, reg. 3(f); S.I. 2021/724, reg. 2(1)(i)
- F22** Words in s. 24(2)(h) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b)(d), [Sch. 9 para. 17\(9\)](#)
- F23** S. 24(2A) inserted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), [ss. 55\(6\)\(b\)](#), 61(2) (with [Sch. 21 para. 40](#)); S.I. 2013/1042, art. 4(g)

Commencement Information

- I1** S. 24 in force at 1.4.2010 by [S.I. 2010/606](#), [art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the UK Borders Act 2007, Section 24.