

These notes refer to the Borders, Citizenship and Immigration Act 2009 (c.11) which received Royal Assent on 21 July 2009

BORDERS, CITIZENSHIP AND IMMIGRATION ACT 2009

EXPLANATORY NOTES

COMMENTARY

Part 1: Border Functions

Use and disclosure of information

Section 24: Investigations and detentions: Scotland

109. **Section 24(1)** inserts new section 26C to the Criminal Law (Consolidation) (Scotland) Act 1995 (“the 1995 Act”) so that Part 3 of that Act applies to criminal investigations conducted by designated customs officials and references in that Part to the Commissioners apply # - - -in relation to investigations relating to general customs matters # to the Secretary of State and # in relation to investigations relating to customs revenue matters # to the Director. The provisions of PACE do not extend to Scotland, where the powers of HMRC to detain and search suspects are contained in the Criminal Law (Consolidation) (Scotland) Act 1995. This amendment will ensure that the same powers will be available to, and the same obligations will be imposed upon, officers conducting criminal investigations in Scotland when they cease to be officers of HMRC and become designated officials of the Secretary of State and the Director of Border Revenue respectively. Similarly references in the 1995 Act to an office of the Revenue and Customs will be construed to include offices occupied by designated customs officials and references in the same Act to a superior officer shall be an immigration officer of the grade of Inspector, a senior executive officer or a person of equivalent grade.
110. **Section 24(2)** provides that the amendment made by section 24(1) does not affect the generality of sections 1(4), 3(5), 7(5) and 11(4) of the Act.