



Borders, Citizenship and Immigration Act 2009

2009 CHAPTER 11

PART 1

BORDER FUNCTIONS

Inspection and oversight

28 Inspections by the Chief Inspector of the UK Border Agency

(1) In section 48 of the UK Borders Act 2007 (c. 30) (establishment of the Border and Immigration Inspectorate), in subsection (1) for “the Border and Immigration Agency” substitute “the UK Border Agency”.

(2) After that subsection insert—

“(1A) The Chief Inspector shall monitor and report on the efficiency and effectiveness of the performance of functions by the following—

- (a) designated customs officials, and officials of the Secretary of State exercising customs functions;
- (b) immigration officers, and officials of the Secretary of State exercising functions relating to immigration, asylum or nationality;
- (c) the Secretary of State in so far as the Secretary of State has general customs functions;
- (d) the Secretary of State in so far as the Secretary of State has functions relating to immigration, asylum or nationality;
- (e) the Director of Border Revenue and any person exercising functions of the Director.

(1B) The Chief Inspector shall monitor and report on the efficiency and effectiveness of the services provided by a person acting pursuant to arrangements relating to the discharge of a function within subsection (1A).”

Changes to legislation: *Borders, Citizenship and Immigration Act 2009, Section 28 is up to date with all changes known to be in force on or before 11 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*

- (3) In subsection (2) of that section—
- (a) omit the words from the beginning to “Agency;”,
 - (b) in paragraph (a), for “within the Border and Immigration Agency” substitute “among the persons listed in subsections (1A) and (1B) (the “listed persons”)”,
 - (c) in paragraph (b), for “the Border and Immigration Agency” substitute “the listed persons”, and
 - (d) after paragraph (g) insert—
 - “(ga) practice and procedure in relation to the prevention, detection and investigation of offences,
 - (gb) practice and procedure in relation to the conduct of criminal proceedings,
 - (gc) whether customs functions have been appropriately exercised by the Secretary of State and the Director of Border Revenue.”.
- (4) After that subsection insert—
- “(2A) Unless directed to do so by the Secretary of State, the Chief Inspector shall not monitor and report on the exercise by the listed persons of—
- (a) functions at removal centres and short term holding facilities, and under escort arrangements, in so far as Her Majesty's Chief Inspector of Prisons has functions under section 5A of the Prison Act 1952 in relation to such functions, and
 - (b) functions at detention facilities, in so far as Her Majesty's Inspectors of Constabulary, the Scottish inspectors or the Northern Ireland inspectors have functions by virtue of section 29 of the Borders, Citizenship and Immigration Act 2009 in relation to such functions.”

(5) Omit subsection (3) of that section.

(6) After that subsection insert—

“(3A) In this section “customs function”, “designated customs official” and “general customs function” have the meanings given by Part 1 of the Borders, Citizenship and Immigration Act 2009.”

(7) In section 53 of that Act (relationship with other bodies), in subsection (1)—

 - (a) in paragraph (a), for “the Border and Immigration Agency” substitute “a person listed in section 48(1A) or (1B)”, and
 - (b) in paragraph (b), for “the Agency” substitute “such a person”.

(8) In subsection (3) of that section, for “the Agency” insert “a person listed in section 48(1A) or (1B)”.

(9) In section 56(2)(a) of that Act (Senior President of Tribunals), for “the Border and Immigration Agency” substitute “the UK Border Agency”.

(10) The person holding the office of the Chief Inspector of the Border and Immigration Agency immediately before the day on which this section comes into force is to be treated, on and after that day, as if appointed as the Chief Inspector of the UK Border Agency under section 48(1) of the UK Borders Act 2007 (c. 30).

Changes to legislation:

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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. 54A(3A)(3B) inserted by [2023 c. 37 s. 14](#)