

Changes to legislation: Anti-social Behaviour, Crime and Policing Act 2014, SCHEDULE 8 is up to date with all changes known to be in force on or before 26 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

SCHEDULES

SCHEDULE 8

Section 147

POWERS TO SEIZE INVALID PASSPORTS ETC

Modifications etc. (not altering text)

- C1** Sch. 8: power to amend conferred (28.4.2022 for specified purposes, 28.6.2022 in so far as not already in force) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 82(1)(2)(m)(3)-(6)**, 87(1)(4)(i); S.I. 2022/590, regs. 1(2), 2, **Sch. 1 para. 29**

Interpretation

- 1 (1) In this Schedule “examining officer” means—
- a constable,
 - a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971, or
 - a general customs official designated under section 3(1) of the Borders, Citizenship and Immigration Act 2009.
- (2) In this Schedule “travel document” means anything that is, or appears to be, a passport or other document which—
- has been issued by or for Her Majesty's Government, or the government of another state, and
 - enables or facilitates travel from one state to another.
- (3) For the purposes of this Schedule a travel document is “invalid” if—
- it has been cancelled,
 - it has expired,
 - it was not issued by the government or authority by which it purports to have been issued, or
 - it has undergone an unauthorised alteration.
- (4) In this Schedule “port” means—
- an airport,
 - a sea port,
 - a hoverport,
 - a heliport,
 - a railway station where passenger trains depart for, or arrive from, places outside the United Kingdom, or
 - any other place at which a person is able, or attempting, to get on or off any craft, vessel or vehicle in connection with entering or leaving Great Britain or Northern Ireland.

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Commencement Information

I1 Sch. 8 para. 1 in force at 14.3.2014 by [S.I. 2014/630](#), **art. 2**

Powers of search and seizure etc: ports

- 2 (1) An examining officer may exercise any of the powers under this paragraph in the case of a person at a port whom the officer believes to be there in connection with—
- (a) entering or leaving Great Britain or Northern Ireland, or
 - (b) travelling by air within Great Britain or within Northern Ireland.
- (2) The powers are—
- (a) to require the person to hand over all travel documents in his or her possession for inspection by the examining officer;
 - (b) to search for travel documents and to take possession of any that the officer finds;
 - (c) to inspect any travel document taken from the person and to retain it while its validity is checked;
 - (d) (subject to paragraph 4) to retain any travel document taken from the person that the examining officer believes to be invalid.
- (3) The power under sub-paragraph (2)(b) is a power to search—
- (a) the person;
 - (b) anything that the person has with him or her;
 - (c) any vehicle in which the examining officer believes the person to have been travelling or to be about to travel.
- (4) An examining officer—
- (a) may stop a person or vehicle for the purposes of exercising a power under this paragraph;
 - (b) may if necessary use reasonable force for the purpose of exercising a power under this paragraph;
 - (c) may authorise a person to carry out on the officer's behalf a search under this paragraph.

Commencement Information

I2 Sch. 8 para. 2 in force at 14.3.2014 by [S.I. 2014/630](#), **art. 2**

^{F1}[Powers of search and seizure etc: places other than ports]

Textual Amendments

F1 Sch. 8 para. 3 crossheading substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 163(2)**, 183(1), (5)(e); [S.I. 2017/399](#), **reg. 2**, [Sch. para. 34](#)

- 3 ^{F2}[(1) An examining officer who is a constable or a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971 may exercise

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any of the powers under this paragraph, at a place that is not a port, if the examining officer reasonably believes that a person is in possession of a cancelled UK passport or an invalid non-UK travel document.]

- (2) ^{F3}[A passport is “a cancelled UK passport”] if—
- (a) the passport was issued by or for Her Majesty's Government, ^{F4}[and]
 - (b) the Secretary of State has cancelled the passport on the basis that the person to whom it was issued has or may have been, or will or may become, involved in activities so undesirable that it is contrary to the public interest for the person to have access to passport facilities, ^{F5}...
 - ^{F6}(c)

^{F7}[(2A) An invalid travel document is “an invalid non-UK travel document” if it is, or appears to be, a passport or other document which has been issued by or for the government of a state other than the United Kingdom.]

- (3) The powers are—
- (a) to require the person to hand over all travel documents in his or her possession for inspection by ^{F8}[the examining officer];
 - (b) to search for travel documents and to take possession of any that ^{F9}[the examining officer] finds;
 - (c) to inspect any travel document taken from the person and to retain it while its validity is checked;
 - (d) (subject to paragraph 4) to retain any travel document taken from the person that ^{F10}[the examining officer reasonably believes] to be invalid.

- (4) The power under sub-paragraph (3)(b) is a power to search—
- (a) the person;
 - (b) anything that the person has with him or her;
 - (c) any vehicle in which ^{F11}[the examining officer reasonably believes] the person to have been travelling or to be about to travel;
 - (d) any premises on which ^{F12}[the examining officer] is lawfully present.

- (5) ^{F13}[An examining officer]—
- (a) may if necessary use reasonable force for the purpose of exercising a power under this paragraph;
 - (b) may authorise a person to carry out on ^{F14}[the examining officer’s behalf] a search under this paragraph.

Textual Amendments

- F2** Sch. 8 para. 3(1) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 163(3)**, 183(1), (5)(e); S.I. 2017/399, reg. 2, Sch. para. 34
- F3** Words in Sch. 8 para. 3(2) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 163(4)(a)**, 183(1), (5)(e); S.I. 2017/399, reg. 2, Sch. para. 34
- F4** Word in Sch. 8 para. 3(2)(a) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 163(4)(b)**, 183(1), (5)(e); S.I. 2017/399, reg. 2, Sch. para. 34

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- F5** Word in Sch. 8 para. 3(2)(b) omitted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 163(4)(c)**, 183(1), (5)(e); S.I. 2017/399, reg. 2, Sch. para. 34
- F6** Sch. 8 para. 3(2)(c) omitted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 163(4)(d)**, 183(1), (5)(e); S.I. 2017/399, reg. 2, Sch. para. 34
- F7** Sch. 8 para. 3(2A) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 163(5)**, 183(1), (5)(e); S.I. 2017/399, reg. 2, Sch. para. 34
- F8** Words in Sch. 8 para. 3(3)(a) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 163(6)(a)(i)**, 183(1), (5)(e); S.I. 2017/399, reg. 2, Sch. para. 34
- F9** Words in Sch. 8 para. 3(3)(b) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 163(6)(a)(ii)**, 183(1), (5)(e); S.I. 2017/399, reg. 2, Sch. para. 34
- F10** Words in Sch. 8 para. 3(3)(d) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 163(6)(a)(iii)**, 183(1), (5)(e); S.I. 2017/399, reg. 2, Sch. para. 34
- F11** Words in Sch. 8 para. 3(4)(c) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 163(6)(b)(i)**, 183(1), (5)(e); S.I. 2017/399, reg. 2, Sch. para. 34
- F12** Words in Sch. 8 para. 3(4)(d) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 163(6)(b)(ii)**, 183(1), (5)(e); S.I. 2017/399, reg. 2, Sch. para. 34
- F13** Words in Sch. 8 para. 3(5) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 163(6)(c)(i)**, 183(1), (5)(e); S.I. 2017/399, reg. 2, Sch. para. 34
- F14** Words in Sch. 8 para. 3(5)(b) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 163(6)(c)(ii)**, 183(1), (5)(e); S.I. 2017/399, reg. 2, Sch. para. 34

Commencement Information

- I3** Sch. 8 para. 3 in force at 14.3.2014 by S.I. 2014/630, **art. 2**

^{F15}*[Powers of entry, search and seizure etc: constables]*

Textual Amendments

- F15** Sch. 8 para. 3A and cross-heading inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 163(7)**, 183(1), (5)(e); S.I. 2017/399, reg. 2, Sch. para. 34

^{F16}3A (1) A constable may exercise any of the powers under this paragraph in relation to any premises, other than premises forming part of a port, if the constable reasonably believes that a cancelled UK passport or an invalid non-UK travel document is on the premises (whether or not in the possession of a person who is also on the premises).

(2) The powers are—

- (a) to enter the premises;
- (b) to search the premises for travel documents and to take possession of any that the constable finds;

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- (c) to inspect any travel document taken and to retain it while its validity is checked;
 - (d) (subject to paragraph 4) to retain any travel document taken that the constable reasonably believes to be invalid.
- (3) A constable—
- (a) may if necessary use reasonable force for the purpose of exercising a power under this paragraph;
 - (b) may authorise a person to carry out on the constable's behalf a search under this paragraph.
- (4) This paragraph does not affect any power of a constable under paragraph 3(3), (4)(a) to (c) or (5) in relation to a person on any premises entered under sub-paragraph (2)(a).]

Textual Amendments

F16 Sch. 8 para. 3A and crossheading inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 163\(7\)](#), [183\(1\)\(5\)\(e\)](#)

Retention or return of documents seized

- 4 (1) If a travel document is retained under paragraph ^{F17}[2(2)(c), 3(3)(c) or 3A(2)(c)] while its validity is checked, the checking must be carried out as soon as possible.
- (2) If it is established that a travel document taken from a person under paragraph 2 or 3—
- (a) is valid, or
 - (b) is invalid only because it has expired,
- it must be returned to the person straight away.
- ^{F18}[(2A) If it is established that a travel document taken from any premises under paragraph 3A—
- (a) is valid, or
 - (b) is invalid only because it has expired,
- it must be returned to the person to whom it was issued straight away.]
- (3) A travel document taken from a person under paragraph 2 or 3 must be returned to the person before the end of the period of 7 days beginning with the day on which it was taken, unless during that period it is established that the document is invalid for some reason other than expiry.
- ^{F19}[(3A) A travel document taken from premises under paragraph 3A must be returned to the person to whom it was issued before the end of the period of 7 days beginning with the day on which it was taken, unless during that period it is established that the document is invalid for some reason other than expiry.]
- (4) A requirement under sub-paragraph ^{F20}[(2)(b), (2A), (3) or (3A)] to return an expired travel document does not apply where the officer concerned reasonably believes that the person from whom he or she took the document ^{F21}[or (as the case may be) to whom it was issued], or some other person, intends to use it for purposes for which it is no longer valid.

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- (5) A requirement under sub-paragraph ^{F22}[(2), (2A), (3) or (3A)] to return a travel document has effect subject to any provision not in this Schedule under which the document may be lawfully retained.

Textual Amendments

- F17** Words in Sch. 8 para. 4(1) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 163(8)(a)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 34
- F18** Sch. 8 para. 4(2A) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 163(8)(b)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 34
- F19** Sch. 8 para. 4(3A) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 163(8)(c)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 34
- F20** Words in Sch. 8 para. 4(4) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 163(8)(d)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 34
- F21** Words in Sch. 8 para. 4(4) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 163(8)(e)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 34
- F22** Words in Sch. 8 para. 4(5) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 163(8)(f)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 34

Commencement Information

- I4** Sch. 8 para. 4 in force at 14.3.2014 by [S.I. 2014/630](#), **art. 2**

Offences

- 5 (1) A person who is required under paragraph 2(2)(a) or 3(3)(a) to hand over all travel documents in the person's possession commits an offence if he or she fails without reasonable excuse to do so.
- ^{F23}(2) A person who intentionally obstructs, or seeks to frustrate, [^{F24}a search under paragraph 2 or 3][^{F24}the exercise of a power of search under paragraph 2, 3 or 3A, or the exercise of a power of entry under paragraph 3A,] commits an offence.
- (3) A person guilty of an offence under this paragraph is liable on summary conviction—
- (a) to imprisonment for a term not exceeding 6 months, or
 - (b) to a fine, which in Scotland or Northern Ireland may not exceed £5,000,
- or to both.

Textual Amendments

- F23** Words in Sch. 8 para. 5(2) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 163(9)**, 183(1), (5)(e); S.I. 2017/399, reg. 2, Sch. para. 34
- F24** Words in Sch. 8 para. 5(2) substituted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 163(9)**, 183(1)(5)(e)

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Commencement Information

I5 Sch. 8 para. 5 in force at 14.3.2014 by [S.I. 2014/630](#), [art. 2](#)

- ^{F25}6 An examining officer, other than a constable, exercising a power under paragraph [^{F26}2][^{F26}2 or 3] has the same powers of arrest without warrant as a constable in relation to an offence under—
- (a) paragraph 5, or
 - (b) section 4 or 6 of the Identity Documents Act 2010.

Textual Amendments

- F25** Words in Sch. 8 para. 6 substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 163\(10\)](#), [183\(1\)](#), [\(5\)\(e\)](#); [S.I. 2017/399](#), [reg. 2](#), [Sch. para. 34](#)
- F26** Words in Sch. 8 para. 6 substituted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 163\(10\)](#), [183\(1\)\(5\)\(e\)](#)

Commencement Information

I6 Sch. 8 para. 6 in force at 14.3.2014 by [S.I. 2014/630](#), [art. 2](#)

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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. 102(2)(ba) inserted by [2022 c. 32 Sch. 11 para. 35\(2\)\(a\)](#)