



# Policing and Crime Act 2017

## 2017 CHAPTER 3

### PART 9

#### MISCELLANEOUS AND GENERAL

### CHAPTER 1

#### MISCELLANEOUS

#### *Seizure etc of travel documents*

#### **163 Powers to seize etc invalid travel documents**

- (1) Schedule 8 to the Anti-social Behaviour, Crime and Policing Act 2014 (Powers to seize invalid passports etc) is amended as follows.
- (2) For the italic heading before paragraph 3 substitute “ Powers of search and seizure etc: places other than ports ”.
- (3) In paragraph 3, for sub-paragraph (1) substitute—
  - “(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 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.”
- (4) In that paragraph, in sub-paragraph (2)—
  - (a) for “This paragraph applies to a passport” substitute “A passport is “a cancelled UK passport”;
  - (b) at the end of paragraph (a) insert “ and ”;
  - (c) omit the “and” at the end of paragraph (b);

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**Changes to legislation:** *Policing and Crime Act 2017, Cross Heading: Seizure etc of travel documents 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*

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- (d) omit paragraph (c).
- (5) After sub-paragraph (2) insert—
  - “(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.”
- (6) In that paragraph—
  - (a) in sub-paragraph (3)—
    - (i) in paragraph (a), for “the constable” substitute “ the examining officer ”;
    - (ii) in paragraph (b), for “the constable” substitute “ the examining officer ”;
    - (iii) in paragraph (d), for “the constable believes” substitute “ the examining officer reasonably believes ”;
  - (b) in sub-paragraph (4)—
    - (i) in paragraph (c), for “the constable believes” substitute “ the examining officer reasonably believes ”;
    - (ii) in paragraph (d), for “the constable” substitute “ the examining officer ”;
  - (c) in sub-paragraph (5)—
    - (i) in the opening words, for “A constable” substitute “ An examining officer ”;
    - (ii) in sub-paragraph (b), for “the constable's behalf” substitute “ the examining officer's behalf ”.
- (7) After paragraph 3 insert—

### 3A “Powers of entry, search and seizure etc: constables

- (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;
  - (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.

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- (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).”
- (8) In paragraph 4 (retention or return of documents seized)—
- (a) in sub-paragraph (1), for “2(2)(c) or 3(3)(c)” substitute “ 2(2)(c), 3(3)(c) or 3A(2)(c) ”;
- (b) after sub-paragraph (2) insert—
- “(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.”;
- (c) after sub-paragraph (3) insert—
- “(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.”;
- (d) in sub-paragraph (4), for “(2)(b) or (3)” substitute “ (2)(b), (2A), (3) or (3A) ”;
- (e) in that sub-paragraph, after “from whom he or she took the document” insert “ or (as the case may be) to whom it was issued ”;
- (f) in sub-paragraph (5), for “(2) or (3)” substitute “ (2), (2A), (3) or (3A) ”.
- (9) In paragraph 5 (offences), in sub-paragraph (2), for “a search under paragraph 2 or 3” substitute “ the exercise of a power of search under paragraph 2, 3 or 3A, or the exercise of a power of entry under paragraph 3A, ”.
- (10) In paragraph 6 (power of arrest), for “2” substitute “ 2 or 3 ”.

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#### Commencement Information

**II** [S. 163](#) in force for specified purposes at Royal Assent, see [s. 183](#)

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2017/1139, reg. 2 by [S.I. 2017/1162 reg. 2](#)