



# 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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*Status: This is the original version (as it was originally enacted).*

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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—

*“Powers of entry, search and seizure etc: constables*

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;

(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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*Status: This is the original version (as it was originally enacted).*

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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”.