STATUTORY INSTRUMENTS

2013 No. 1542

The Police and Criminal Evidence Act 1984 (Application to immigration officers and designated customs officials in England and Wales) Order 2013

PART 2

INVESTIGATIONS CONDUCTED BY IMMIGRATION OFFICERS

Application of the Police and Criminal Evidence Act 1984

- **3.**—(1) This article applies in relation to England and Wales.
- (2) Subject to the modifications in paragraphs (3) and (4) and articles 4 to 11, the provisions of the Act specified in Part 1 of Schedule 1 to this Order shall apply in relation to investigations conducted by immigration officers.
- (3) Those provisions shall apply in relation to investigations conducted by immigration officers as if the words and phrases in Column 1 of Part 2 of Schedule 1 to this Order were replaced by the substitute words and phrases in Column 2 of that Part.
- (4) Where in those provisions any thing is to be done by a constable of a rank specified in Column 1 of Part 3 of Schedule 1 to this Order, that thing shall be done by an immigration officer of at least the grade specified in the corresponding entry of Column 2 of that Part, and the Act shall be construed accordingly.
- (5) Where a person is detained by the police under Part IV of the Act, in connection with an investigation conducted by an immigration officer, the Act applies as if the following references included references to an immigration officer—
 - (a) in section 39(2) and (3), "a police officer", "an officer" and "the officer";
 - (b) in sections 41(2)(c), 43(1), 44(1) and the first reference in section118(2)(1), "constable".
- (6) In the Act as it applies by virtue of this article, an expression defined in this Order has the same meaning as in this Order.

⁽¹⁾ Section 118(2) of the Act was amended by the Police Reform Act 2002 (c.30), section 107(1), Schedule 7, paragraph 9(9); and the Terrorism Act 2000 (c.11), section 125(1), Schedule 15, paragraph 5(1) and (12).