



HOME OFFICE

The Immigration (PACE Codes of Practice) Direction 2000

Made: 7 February 2000

Coming into Operation: 7 February 2000

The Secretary of State, in exercise of the powers conferred upon him by Section 145 of the Immigration and Asylum Act 1999^(a) hereby makes the following Direction:-

1. This Direction may be cited as the Immigration (PACE Codes of Practice) Direction 2000 and shall come into operation forthwith.
2. In this Direction, "the 1971 Act" means the Immigration Act 1971^(b).
3. This Direction does not apply in Scotland.
4. Nothing in this Direction affects the operation of Section 67(9) of the Police and Criminal Evidence Act 1984^(c) or paragraph 66(8) of the Police and Criminal Evidence (Northern Ireland) Order 1989^(d).
5. Subject to paragraph 6, an immigration officer exercising a power which is specified in column 1 of Schedule 1 to this Direction must have regard to any provisions of a code which are specified in relation to that power:
(a) where the power is exercised in England and Wales in column 2 of that Schedule; or
(b) where the power is exercised in Northern Ireland in column 3 of that Schedule.
6. Any provision of a code specified in Schedule 1 to this Direction shall have effect for the purposes of section 145 of the Immigration and Asylum Act 1999 subject to any modifications specified in relation to that provision in Schedule 2 to this Direction.

Barbara Roche
Minister of State
Home Office

February 2000

- (a) 1999 c.33.
(b) 1971 c.77.
(c) 1984 c.60.
(d) SI 1989/1341

SCHEDULE 1

Column 1 (powers exercised under the following provisions)	Column 2 (code provisions for England and Wales)	Column 3 (code provisions for Northern Ireland)
Section 28A of the 1971 Act (arrest without warrant) ^(e)	Code C: All provisions Code D: All provisions Code E: All provisions	Code C: All provisions Code D: All provisions Code E: All provisions
Section 28B of the 1971 Act (search and arrest by warrant)	Code B: 1; 2 (except 2.7); 4; 5 (except 5.13 and 5.14); 7; 8.	Code B: 1 (except 1.4); 2 (except 2.7); 4; 5 (except 5.13 and 5.14); 7; 8.
Section 28C of the 1971 Act (search and arrest without warrant)	Code B: 1; 3; 4; 5 (except 5.13 and 5.14); 7; 8.	Code B: 1 (except 1.4); 3; 4; 5 (except 5.13, and 5.14); 7; 8.
Section 28D of the 1971 Act (entry and search of premises)	Code B: 1; 2 (except 2.7); 4; 5 (except 5.13, and 5.14); 6; 7; 8.	Code B: 1 (except 1.4); 2 (except 2.7); 4; 5 (except 5.13 and 5.14); 6; 7; 8.
Section 28E of the 1971 Act (entry and search of premises following arrest)	Code B: 1; 3; 4; 5 (except 5.13 and 5.14); 6; 7; 8.	Code B: 1 (except 1.4); 3; 4; 5 (except 5.13 and 5.14); 6; 7; 8.
Section 28F of the 1971 Act (entry and search of premises following arrest under section 25(1))	Code B: 1; 3; 4; 5 (except 5.13 and 5.14); 6; 7; 8.	Code B: 1 (except 1.4); 3; 4; 5 (except 5.13 and 5.14); 6; 7; 8.

Section 28G of the 1971 Act (searching arrested persons)	Code A: 2.4; 2.5;2.7; 3.1; 3.2; 3.5. Code B: 6.3; 6.6 to 6.9.	Code A: 2.4; 2.5;2.7; 3.1 3.2; 3.5 to 3.10. Code B: 6.3; 6.6 to 6.9.
Section 28H of the 1971 Act (searching persons in police custody)	Code C: 4; Annex A.	Code C: 4; Annex A.
Section 28I of the 1971 Act (seized material: access and copying)	Code B: 6; 7; 8. Code C: 4.	Code B: 6; 7; 8. Code C: 4.
Section 28J of the 1971 Act (search warrants: safeguards)	Code B: 1; 2 (except 2.7); 8.	Code B: 1 (except 1.4); 2 (except 2.7); 8.
Section 28K of the 1971 Act (execution of warrants)	Code B: 5 (except 5.13 and 5.14); 7; 8.	Code B: 5 (except 5.13 and 5.14); 7; 8.
Paragraph 17(1) of Schedule 2 to the 1971 Act (arrest without warrant)	Code C: 8; 9; Annex A.	Code C: 8; 9; Annex A.
Paragraph 25A of Schedule 2 to the 1971 Act (entry and search of premises) ^(f)	Code B: 1; 3; 4; 5 (except 5.13 and 5.14); 6; 7; 8.	Code B: 1 (except 1.4); 3; 4; 5 (except 5.13 and 5.14); 6; 7; 8.
Paragraph 25B of Schedule 2 to the 1971 Act (searching persons arrested by immigration officers)	Code A: 2.4; 2.5; 2.7; 3.1; 3.2; 3.5. Code B: 6.3; 6.6 to 6.9.	Code A: 2.4; 2.5; 2.7; 3.1; 3.2; 3.5 to 3.10. Code B: 6.3; 6.6 to 6.9.
Paragraph 25C of Schedule 2 to the 1971 Act	Code C: 4; Annex A.	Code C: 4; Annex A.

(searching persons in police custody)		
Paragraph 25D of Schedule 2 to the 1971 Act (access and copying)	Code B: 6; 7; 8. Code C: 4.	Code B: 6; 7; 8. Code C: 4.

(e) Sections 28A to 28K of the Immigration Act 1971 were inserted by sections 128 to 138 of the Immigration and Asylum Act 1999.

(f) Paragraphs 25A to 25D of Schedule 2 to the Immigration Act 1971 were inserted by section 132 and sections 134 to 136 of the Immigration and Asylum Act 1999.

SCHEDULE 2

Code Provision (England and Wales)	Modification
Code A	
2.4	For sub-paragraph (i) substitute '(i) his name or warrant number, unless he has already done so, and the name of the immigration office to which he is attached.'
2.5	For 2.5 substitute '2.5 The officer must show his warrant card unless he has already done so.'
2.7	Delete 'and 2.6'.
3.2	Delete after 'reasonable force may be used to conduct a search' to end.
3.5	Delete '(other than under sections 13A and 13B of the Prevention of Terrorism (Temporary Provisions) Act 1989, which grant a constable in addition the power to require a person in public any headgear and footwear, or under section 60 of the Criminal Justice and Public Order Act 1994 as amended by the Crime and Disorder Act 1998, which grants a constable power to require the removal of any item worn to conceal identity)'. Delete from '[See <i>Note 3A and 3C</i>]' to end.

Code B	
1.3	After sub-paragraph (c) insert '(d) under powers conferred by sections 28B to 28G of the Immigration Act 1971 and paragraphs 25A and 25B of schedule 2 to that Act'.
2.4	Where reference is made to 'inspector' also read 'chief immigration officer'.
2.6	In (iii) after 'alleged offence' insert 'or relevant documents'. In (iii) after 'evidence' insert 'or relevant documents'. At end insert 'For the purposes of this code 'Relevant Documents' has the meaning given to it in paragraph 25A(9) of Schedule 2 to the Immigration Act 1971.'
3.1	For 3.1 substitute '3.1 The conditions under which an immigration officer may enter and search premises without a warrant are set out in section 28C of the Immigration Act 1971.'
3.2	For 3.2 substitute '3.2 The powers of an immigration officer to search premises in which he has arrested a person or where the person was immediately before he was arrested are as set out in section 28E of the Immigration Act 1971 and paragraph 25A of schedule 2 to that Act.'
3.3	For 3.3 substitute '3.3 The powers of an immigration officer to search premises occupied or controlled by a person who has been arrested are set out in section 28F of the Immigration Act 1971 and paragraph 25A of schedule 2 to that Act. They may not (unless subsection 28F(3) of the Immigration Act 1971 or 25A(4) of schedule 2 to that Act applies) be exercised unless an officer of the rank of chief immigration officer or above has given authority in writing.'
5.8	After 'police station' insert 'or immigration office'.
6.1	For 'under any statutory power' substitute 'under sections 28B to 28F of the immigration Act 1971 and under paragraph 25A of schedule 2 to that Act'.
6.9	After sub-paragraph (b) insert '; and (c) relevant documents'. After 'investigation of an offence' for remainder of sentence substitute ', any criminal proceedings or the exercise of functions in connection with which the material was seized.'
7.1	After 'arrival at a police station' insert 'or immigration

8.1	<p>office’.</p> <p>After ‘police station’ insert ‘and immigration office where officers exercise the powers conferred by sections 28B to 28G of the Immigration Act 1971 and paragraphs 25A to 25B of schedule 2 to that Act’.</p>
Code C	
11	<p>Where reference is made to ‘police officer’ also read ‘immigration officer’.</p> <p>Where reference is made to ‘senior police officer’ also read ‘senior immigration officer’.</p> <p>In 11.3 and 11.15 where reference is made to ‘police’ also read ‘Immigration Service’.</p>
12	In 12.1 and 12.2 where reference is made to ‘police officer’ also read ‘immigration officer’.
13.9	Where reference is made to ‘police officer’ also read ‘immigration officer’.
16	<p>In 16.3 where reference is made to ‘police station’ also read ‘immigration office’.</p> <p>In 16.4 where reference is made to ‘police officer’ also read ‘immigration officer’.</p>
Annex A	<p>In Annex A.A.1 insert at end ‘An immigration officer has no power to conduct an intimate search as defined in this annex.’</p> <p>In Annex A.B.11(a) where reference is made to ‘police officer’ also read ‘immigration officer’.</p>
Annex D	Where reference is made to ‘police officer’ also read ‘immigration officer’.
Code D	
2	<p>In 2.17 and 2.21A where reference is made to ‘police officer’ also read ‘immigration officer’.</p> <p>In 2.21B where reference is made to ‘police’ also read ‘Immigration Service’.</p>
Annex A	In 2A and 17A where reference is made to ‘police’ also read ‘Immigration Service’.
Annex B	In 6 where reference is made to ‘police officer’ also read ‘immigration officer’.

Annex C	In 5 where reference is made to 'police' also read 'Immigration Service'.
Annex E	In 12 where reference is made to 'police' also read 'Immigration Service'.
Code E	
3.1; 3.4; 4 – 6	Where reference is made to 'police officer' also read 'immigration officer'.
Code Provision (Northern Ireland)	Modification
Code A	
2.4	For sub-paragraph (i) substitute '(i) his name or warrant number, unless he has already done so, and the name of the immigration office to which he is attached.'
2.5	For 2.5 substitute '2.5 The officer must show his warrant card unless he has already done so.'
2.7	Delete 'and 2.6'.
3.2	Delete after 'reasonable force may be used to conduct a search' to end.
3.8	Where reference is made to 'constable' also read 'immigration officer'.
3.9	Where reference is made to 'constable' also read 'immigration officer'. After sub- paragraph (b) insert – '; or (c) If the person has been arrested under schedule 2 of the Immigration Act 1971, any document which might – (i) establish his identity, nationality or citizenship; or (ii) indicate the place from which he has travelled to the United Kingdom or to which he is proposing to go'.
Code B	
1.3	After sub-paragraph (c) insert '(d) under powers conferred by sections 28B to 28G of the Immigration Act 1971 and

	paragraphs 25A and 25B of schedule 2 to that Act’.
2.4	Where reference is made to ‘inspector’ also read ‘chief immigration officer’.
2.6	In (iii) after ‘alleged offence’ insert ‘or relevant documents’. In (iii) after ‘evidence’ insert ‘or relevant documents’. At end insert ‘For the purposes of this code ‘Relevant Documents’ has the meaning given to it in paragraph 25A(9) of Schedule 2 to the Immigration Act 1971.’
3.1	For 3.1 substitute ‘3.1 The conditions under which an immigration officer may enter and search premises without a warrant are set out in section 28C of the Immigration Act 1971.’
3.2	For 3.2 substitute ‘3.2 The powers of an immigration officer to search premises in which he has arrested a person or where the person was immediately before he was arrested are as set out in section 28E of the Immigration Act 1971 and paragraph 25A of schedule 2 to that Act.’
3.3	For 3.3 substitute ‘3.3 The powers of an immigration officer to search premises occupied or controlled by a person who has been arrested are set out in section 28F of the Immigration Act 1971 and paragraph 25A of schedule 2 to that Act. They may not (unless subsection 28F(3) of the Immigration Act 1971 or 25A(4) of schedule 2 to that Act applies) be exercised unless an officer of the rank of chief immigration officer or above has given authority in writing. That authority shall (unless wholly impracticable) be given on the Notice of Powers and Rights.’
5.7	For ‘Order’ read ‘Act’.
5.8 – 5.8B	After ‘police station’ insert ‘or immigration office’.
6.1	For ‘under any statutory power’ substitute ‘under sections 28B to 28F of the immigration Act 1971 and under paragraph 25A of schedule 2 to that Act’. After sub-paragraph (b) insert ‘; and (c) relevant documents’.
7.1	After ‘arrival at a police station’ insert ‘or immigration office’.
8.1	After ‘police station’ insert ‘and immigration office where officers exercise the powers conferred by sections 28B to 28G of the Immigration Act 1971 and paragraphs 25A to

	25B of schedule 2 to that Act’.
Code C	
10.2C	Where reference is made to ‘police officer’ also read ‘immigration officer’.
11	Where reference is made to ‘police officer’ also read ‘immigration officer’. Where reference is made to ‘senior police officer’ also read ‘senior immigration officer’. In 11.6 and 11.17 where reference is made to ‘police’ also read ‘Immigration Service’.
12	In 12.1 and 12.2 where reference is made to ‘police officer’ also read ‘immigration officer’.
16	In 16.3 where reference is made to ‘police station’ also read ‘immigration office’. In 16.5 where reference is made to ‘police officer’ also read ‘immigration officer’.
Annex A	In Annex A.A.1 insert at end ‘An immigration officer has no power to conduct an intimate search as defined in this annex.’ In Annex A.B.11(a) where reference is made to ‘police officer’ also read ‘immigration officer’.
Annex E	Where reference is made to ‘police officer’ also read ‘immigration officer’.
Code D	
2	In 2.18 and 2.23 where reference is made to ‘police officer’ also read ‘immigration officer’. In 2.24 where reference is made to ‘police’ also read ‘Immigration Service’.
Annex A	In 2A and 18 where reference is made to ‘police’ also read ‘Immigration Service’.
Annex B	In 6 where reference is made to ‘police officer’ also read ‘immigration officer’.
Annex C	In 5 where reference is made to ‘police’ also read ‘Immigration Service’.
Annex E	In 12 where reference is made to ‘police’ also read ‘Immigration Service’.

Code E	
3.1; 4 – 6	Where reference is made to ‘police officer’ also read ‘immigration officer’.

4 July 2013 - The format of this document has been updated to comply with current Home Office publishing guidelines. No changes have been made to the content.