



Home Office

# THE POLICE AND CRIMINAL EVIDENCE ACT 1984 (PACE) ORDER 2013 EXPLAINED

This guidance is based on the Police and Criminal Evidence Act 1984 (Application to immigration officers and designated customs officials in England and Wales) Order 2013.

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## The Police and Criminal Evidence Act (PACE) Order 2013 explained

### About this guidance

<a href="#">What is the PACE order Relevant immigration investigation and applying PACE The provisions applied to the 2013 order and terms used</a>	<p>This guidance tells immigration officers conducting criminal investigations in England and Wales about the Police and Criminal Evidence (PACE) Order 2013.</p> <p>It is written as a guide to the order. For more detail on any of the functions described in this guidance you must refer to the specific guidance in the criminal and financial investigations section.</p> <p>It does not tell you about the PACE order 2013 for customs functions.</p> <p>You must only use this guidance and the powers given by the PACE Order 2013 if you are an immigration officer working in England or Wales and are:</p> <ul style="list-style-type: none"><li>• conducting criminal investigations relating to immigration and nationality</li><li>• trained and accredited as a criminal investigator, and</li><li>• authorised to use these powers.</li></ul> <p>This guidance tells you about :</p> <ul style="list-style-type: none"><li>• what the order is and what it means</li><li>• the extent of the powers and obligations, and</li><li>• applying the PACE order in England and Wales.</li></ul> <p>Changes to this guidance – This page tells you what has changed since the previous version of this guidance.</p> <p>Contacts – This page tells you who to contact for help if your senior caseworker or line manager can't answer your question.</p> <p>Information owner – This page tells you about this version of the guidance and who owns it.</p>	<p><b>Related links</b></p> <p><a href="#">Changes to this guidance</a></p> <p><a href="#">Contact Information owner</a></p> <p><b>External links</b></p>
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## The Police and Criminal Evidence Act (PACE) Order 2013 explained

### Changes to this guidance

<a href="#">About this guidance</a> <a href="#">What is the PACE order</a> <a href="#">Relevant immigration investigation and applying PACE</a> <a href="#">The provisions applied to the 2013 order and terms used</a>	<p>This page lists changes to the PACE Order 2013 as applicable in England &amp; Wales guidance, with the most recent at the top.</p> <table><tr><th>Date of the change</th><th>Details of the change</th></tr><tr><td>15 August 2013</td><td><p>Change request:</p><ul style="list-style-type: none"><li>What is the PACE order 2013:<ul style="list-style-type: none"><li>sub-heading ‘What the order applies to’, new second sentence</li><li>sub-heading ‘When PACE powers should be used’ new third paragraph explaining what S28H is</li></ul></li><li>Relevant immigration investigations and applying PACE:<ul style="list-style-type: none"><li>this page has been amended</li></ul></li><li>‘Exceptions in the PACE order 2013’ has been changed to ‘Powers applied in the PACE order 2013’</li><li>Authorisation and using reasonable force:<ul style="list-style-type: none"><li>sub-heading ‘Authorisation (article 5) the sentence has been amended</li><li>sub-heading ‘Using reasonable force’, the first sentence has bee re-written</li></ul></li><li>Arrests and searches:<ul style="list-style-type: none"><li>sub-heading ‘Seizing and keeping things found upon search (article 9):</li><li>new third paragraph and bullet points</li><li>sub-heading ‘Modification of section 22 of the act (retention) (article 11), new second paragraph</li></ul></li><li>Explaining the provisions – Part 1 of the</li></ul></td></tr></table>	Date of the change	Details of the change	15 August 2013	<p>Change request:</p> <ul style="list-style-type: none"><li>What is the PACE order 2013:<ul style="list-style-type: none"><li>sub-heading ‘What the order applies to’, new second sentence</li><li>sub-heading ‘When PACE powers should be used’ new third paragraph explaining what S28H is</li></ul></li><li>Relevant immigration investigations and applying PACE:<ul style="list-style-type: none"><li>this page has been amended</li></ul></li><li>‘Exceptions in the PACE order 2013’ has been changed to ‘Powers applied in the PACE order 2013’</li><li>Authorisation and using reasonable force:<ul style="list-style-type: none"><li>sub-heading ‘Authorisation (article 5) the sentence has been amended</li><li>sub-heading ‘Using reasonable force’, the first sentence has bee re-written</li></ul></li><li>Arrests and searches:<ul style="list-style-type: none"><li>sub-heading ‘Seizing and keeping things found upon search (article 9):</li><li>new third paragraph and bullet points</li><li>sub-heading ‘Modification of section 22 of the act (retention) (article 11), new second paragraph</li></ul></li><li>Explaining the provisions – Part 1 of the</li></ul>	<p><b>Related links</b></p> <p><a href="#">What is the PACE order 2013</a></p> <p><a href="#">Relevant immigration investigations and applying PACE</a></p> <p><a href="#">Powers applied in the PACE order 2013</a></p> <p><a href="#">Authorisation and using reasonable force</a></p> <p><a href="#">Arrests and searches</a></p> <p><a href="#">Explaining the provisions – Part 1 of 2013 order</a></p> <p><b>See also</b></p> <p><a href="#">Contact</a> <a href="#">Information owner</a></p> <p><b>External links</b></p>
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		<p>2013 order:</p> <ul style="list-style-type: none"><li>○ most of this page has changed and new content added</li><li>● Minor housekeeping changes.</li></ul>		
	1 July 2013	This is new guidance for the introduction of the Police and Criminal Evidence (PACE) Order 2013		

This is based on the Police and Criminal Evidence Act 1984(Application to immigration officers and designated customs officials in England and Wales) Order 2013.

## The Police and Criminal Evidence Act (PACE) Order 2013 explained

### What is the PACE order 2013

<a href="#">About this guidance</a> <a href="#">What is the PACE order</a> <a href="#">Relevant immigration investigation and applying PACE</a> <a href="#">The provisions applied to the 2013 order and terms used</a>	<p>This page tells you what the Police and Criminal Evidence Act, 1984 (PACE) Order 2013 is and what it applies to.</p> <p>The PACE order 2013 is secondary legislation (known as a statutory instrument) made by the Secretary of State in line with section 23 of the Borders, Citizenship and Immigration Act 2009. It is officially cited (referred to) as the Police and Criminal Evidence Act 1984 (application to immigration officers and designated customs officials in England and Wales) Order 2013.</p> <p>The order, which applies only to England and Wales, was agreed by both Houses of Parliament and came into force on 25 June 2013</p> <p><b>What the order applies to</b></p> <p>The order applies to immigration officers working on relevant immigration criminal investigations (and to customs officials). A relevant immigration investigation is a criminal investigation relating to an immigration or nationality matter.</p> <p>It gives some of the powers and obligations available to police officers under the Police and Criminal Evidence Act 1984. These powers and obligations for immigration investigations are mainly in relation to:</p> <ul style="list-style-type: none"><li>• arresting people</li><li>• searching and entering premises, and</li><li>• seizing evidence.</li></ul> <p><b>When PACE powers should be used</b></p> <p>All immigration criminal investigators must use PACE powers while conducting a relevant immigration criminal investigation and should not rely on powers provided under any other legislation, (such as Part III of the Immigration Act 1971), unless it is necessary.</p> <p>This is because there is no PACE equivalent available to immigration officers. For example, using S28H to search a person at a police station custody suite.</p>	<p><b>In this section</b></p> <p><b>External links</b></p> <p><a href="#">Borders, Citizenship and Immigration Act 2009</a> <a href="#">Police and Criminal Evidence Act 1984</a></p> <p><a href="#">Searching persons in police custody</a></p>
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	S28H is the immigration officer's power to search an arrested person at a police station custody suite. For more information on this power see related link: <a href="#">Searching persons in police custody</a> .	
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## The Police and Criminal Evidence Act (PACE) Order 2013 explained

### Relevant immigration investigations and applying PACE

<p><a href="#">About this guidance</a>  <a href="#">What is the PACE order</a>  <a href="#">Relevant immigration investigation and applying PACE</a>  <a href="#">The provisions applied to the 2013 order and terms used</a></p>	<p>This section explains the provisions of the Police and Criminal Evidence Act (PACE) 1984 Order 2013 that apply to relevant immigration investigations.</p> <p>A relevant immigration investigation is a criminal investigation relating to an immigration or nationality matter.</p> <p><b>Applying the Police and Criminal Evidence Act 1984 (article 3)</b>  Under article 3 of the PACE order 2013, certain provisions of the Police and Criminal Evidence Act 1984 are applied to immigration officers in England and Wales working in relevant immigration criminal investigations. Those provisions are set out in part 1 of schedule 1.  For more information on these provisions, see related link: Explaining the provisions - Part 1 of the 2013 order.</p> <p>There are some amendments to the way these provisions of PACE must be read by immigration officers. These are set out in part 2 of schedule 1, for example: 'immigration officer' is used instead of 'constable'.</p> <p>All other amendments are contained within articles 3 to 11. For more information, see related link: The equivalent terms and titles used.</p> <p>The PACE order 2013 also specifies if a:</p> <ul style="list-style-type: none"> <li>• Constable takes any action, an immigration officer of an equivalent grade can take the same action. For more information on the equivalent grades, see related link: The equivalent terms and titles used in the PACE order 2013.</li> <li>• Person is detained by the police under part 4 of the act, in connection with a relevant immigration investigation conducted by an immigration officer, only references in section 39(2) and (3) to: <ul style="list-style-type: none"> <li>○ 'police officer'</li> <li>○ 'an officer', or</li> </ul> </li> </ul>	<p><b>In this section</b>  <a href="#">Powers applied in the PACE order 2013</a>  <a href="#">Authorisation and using reasonable force</a>  <a href="#">Arrests and searches</a></p> <p><b>Related links</b>  <a href="#">The equivalent terms and titles used in the PACE order 2013</a>    <a href="#">The provisions applied to the 2013 order and terms used</a></p>
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	<ul style="list-style-type: none"><li>○ 'the officer', and in sections 41 (2)c, 43(1), 44(1) and 118(2)1 to a 'constable' shall be taken to include a reference to an immigration officer.</li></ul> <p>In practice this means for those areas covered by the PACE order you can also read any reference to 'police officer' or 'constable' in the PACE Act 1984 as immigration officer and it gives them the same powers and obligations.</p>	
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## The Police and Criminal Evidence Act (PACE) Order 2013 explained

### Powers applied in the PACE order 2013

<a href="#">About this guidance</a> <a href="#">What is the PACE order</a> <a href="#">Relevant immigration investigation and applying PACE</a> <a href="#">The provisions applied to the 2013 order and terms used</a>	<p>This page explains that the Police and Criminal Evidence Act (PACE) Order 2013 does not give all the powers and obligations to immigration officers.</p> <p>The PACE order does not give all of the powers and obligations in PACE to immigration officers, as many of its provisions, such as those covering stop and search, are not immediately relevant to immigration and nationality work . It is also specified in article 4 of the order that:</p> <p>Immigration officers do not have any power to:</p> <ul style="list-style-type: none"><li>• Charge a person with an offence or release a person on bail. Any reference in PACE to people being charged or released on bail refer to it being done by a constable only.</li><li>• Detain a person after they have been charged with an offence.</li></ul>	<p><b>In this section</b></p> <p><a href="#">Authorisation and using reasonable force</a> <a href="#">Arrests and searches</a></p> <p><b>External links</b></p>
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## The Police and Criminal Evidence Act (PACE) Order 2013 explained

### Authorisation and using reasonable force

<a href="#">About this guidance</a> <a href="#">What is the PACE order</a> <a href="#">Relevant immigration investigation and applying PACE</a> <a href="#">The provisions applied to the 2013 order and terms used</a>	<p>This page explains who is authorised to use the powers under the Police and Criminal Evidence Act (PACE) Order 2013.</p> <p><b>Authorisation (article 5)</b></p> <p>The powers and functions in the PACE order must only be used by immigration officers who are:</p> <ul style="list-style-type: none"><li>• authorised to do so by the Secretary of State</li><li>• working in a criminal investigation team carrying out relevant immigration investigations.</li></ul> <p><b>Using reasonable force (article 6)</b></p> <p>You may use reasonable force if it is necessary in the exercise of a power you have been authorised to use under the PACE Order 2013.</p>	<p><b>In this section</b></p> <p><a href="#">Powers applied in the PACE order 2013</a> <a href="#">Arrests and searches</a></p> <p><b>External links</b></p>
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## The Police and Criminal Evidence Act (PACE) Order 2013 explained

### Arrests and searches

<p><a href="#">About this guidance</a>  <a href="#">What is the PACE order</a>  <a href="#">Relevant immigration investigation and applying PACE</a>  <a href="#">The provisions applied to the 2013 order and terms used</a></p>	<p>This page explains how the powers of the Police and Criminal Evidence Act (PACE) Order 2013 are used for arrests, searches and the seizure of material.</p> <p><b>Arrest without warrant (article 7)</b>  Section 24(2) of the PACE act (arrest without warrant), (as applied by the PACE order) does not prevent you from using any other current legislation which gives you a power to arrest and detain a person.</p> <p><b>Search of people found on the premises (article 8)</b>  When you search a premises under a warrant issued under either section 8 or paragraph 12 schedule 1 of PACE, you may search any person found on the premises that you have reason to believe is in possession of material likely to be of value (either by itself or together with other material) to the investigation of the offence for which the warrant was issued.</p> <p>You must make sure the person is always searched by a person of the same sex and you must not remove any articles of clothing except for an outer coat, jacket or gloves.</p> <p><b>Seizing and keeping things found upon search (article 9)</b>  If you are conducting a lawful search of a person or premises because of a relevant immigration investigation you have the same power as a constable, under section 19 of PACE, to seize anything that appears to be evidence in connection with an offence. This is even if what you find is not evidence of an offence which relates to immigration or nationality.</p> <p>Applying provisions of the PACE act under the PACE order does not prevent you from accepting and keeping anything you lawfully seize under any other enactment and section 21 of the PACE act (access and copying), does not apply to anything you seize or keep under the immigration acts.</p> <p>In practice this means when you seize anything from a person under the immigration acts you must:</p> <ul style="list-style-type: none"> <li>• abide by the rules and or terms set out in the PACE Codes of Practice (Code B) about</li> </ul>	<p><b>In this section</b>  <a href="#">Powers applied in the PACE order 2013</a>  <a href="#">Authorisation and using reasonable force</a></p>
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	<p>the search and seizure of property, and</p> <ul style="list-style-type: none"><li>• keep a search record of seized material.</li></ul> <p>For more information on the PACE Codes of Practice, see related links</p> <p><b>Modification of section 22 of the act (retention) (article 11)</b></p> <p>Section 22 of PACE has been modified by the PACE order 2013. The modification means nothing in this section affects any power of a court to make an order for the disposal of property under section 26 of the UK Borders Act 2007. This means under section 22 of PACE, you can keep seized property for certain purposes, for example, for use in:</p> <ul style="list-style-type: none"><li>• criminal proceedings</li><li>• forensic examination, or</li><li>• the investigation of an offence.</li></ul> <p>If you have retained property under section 22 of PACE you, or a claimant of the property, can still apply to the magistrates' court to make an order for the property to be returned to the claimant or disposed of.</p>	<p><b>External links</b></p> <p><a href="#">PACE Codes of Practice Immigration (PACE Codes of Practice) Direction 2013</a></p>
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## The Police and Criminal Evidence Act (PACE) Order 2013 explained

### The provisions applied to the 2013 order and terms used

<a href="#">About this guidance</a> <a href="#">What is the PACE order</a> <a href="#">Relevant immigration investigation and applying PACE</a> <a href="#">The provisions applied to the 2013 order and terms used</a>	<p>This section tells you about schedule I of the PACE order 2013 and explains the three parts:</p> <ul style="list-style-type: none"><li>• Part 1- tells you which provisions of PACE are applied to relevant immigration investigations by the PACE Order 2013.</li><li>• Part 2 – tells you about words and phrases substituted, by the PACE Order 2013.</li><li>• Part 3 – tells you the equivalent grades of immigration officers to the corresponding rank of constable as described in the PACE Order 2013.</li></ul>	<p><b>In this section</b></p> <p><a href="#">Explaining the provisions – Part 1 of the 2013 order</a> <a href="#">The equivalent terms and titles used in the PACE order 2013</a></p>
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## The Police and Criminal Evidence Act (PACE) Order 2013 explained

### Explaining the provisions – Part 1 of the 2013 order

[About this guidance](#)  
[What is the PACE order](#)  
[Relevant immigration investigation and applying PACE](#)  
[The provisions applied to the 2013 order and terms used](#)

This page tells you about the provisions of the Police and Criminal Evidence Act 1984 that apply to relevant criminal investigations conducted by designated immigration officers.

The provisions that apply to designated immigration officers are:

Provision	What it means
Section 8(1) to (6) (power of justice of the peace to authorise entry and search of premises) (subject to the modification in article 8)	You can apply at a magistrate’s court for a section 8 warrant to enter and search premises for evidence that is likely to be of substantial value to an investigation of an indictable (of a more serious nature that either can or must be tried at Crown court) immigration offence.
Section 9(1) (special provisions as to access) and Schedule 1 (special procedure) (subject to the modification in article 9)	You may apply to a judge to order access to excluded or special procedure material under schedule 1 of PACE provided you satisfy one or more of the sets of access conditions. For more information on these conditions see the related link: PACE 1984 – schedule 1
Section 15 (search warrants-safeguards)	This describes the information: <ul style="list-style-type: none"><li>• you must give when you make an application for a warrant under section 8, and</li><li>• that must be contained on that warrant.</li></ul>
Section 16 (execution of warrants)	If authorised you can use a section 8 search warrant to enter the specified premises.  If authorised by the warrant, people can accompany you and they will have the same powers of search and seizure under the terms of the warrant as you do. This is as long as those powers are exercised under the

**In this section**  
[The equivalent terms and titles used in the PACE order 2013](#)

**External links**  
  
[PACE – Section 8](#)  
[PACE 1984-Schedule 1](#)  
[PACE – Section 9](#)  
[PACE – Section 15](#)  
[PACE - Section 16](#)  
[PACE - Section 17](#)  
[PACE - Section 18](#)  
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[PACE – Section 28](#)  
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[PACE – Section 30](#)  
[PACE – Section 31](#)  
[PACE – Section 32](#)  
[PACE – Section 46A](#)  
[PACE – Section 51](#)  
[PACE – Section 107](#)

		supervision, and in the company of, an authorised immigration officer.	
	Section 17(1)(a)(i), (1)(b), (1)(cb)(i), (1)(d), (2) and (4) (entry for purpose of arrest etc)	<p>This describes the circumstances when you may enter and search a premises to:</p> <ul style="list-style-type: none"> <li>• Execute a criminal arrest warrant.</li> <li>• Arrest a person for an indictable immigration offence. An indictable offence is of a serious nature and that either can, or must, be tried in the Crown court.</li> <li>• Recapture any person who is, or considered to be, unlawfully at large while liable to be detained in a: <ul style="list-style-type: none"> <li>○ prison</li> <li>○ remand centre</li> <li>○ young offender institution, or</li> <li>○ secure training centre.</li> </ul> </li> <li>• Recapture a person you are pursuing who is unlawfully at large.</li> </ul> <p>You can only use the power of entry and search if you have reasonable grounds to believe the person you are seeking is on the premises.</p>	
	Section 18 (entry and search after arrest)(subject to the modification in article 10)	<p>This gives you the power to enter and search any premises occupied or controlled by a person who has been arrested for an indictable offence if:</p> <ul style="list-style-type: none"> <li>• there are reasonable grounds to believe there is evidence relating to the offence or another similar offence, and</li> <li>• the material is not subject to legal privilege.</li> </ul> <p>You can use this power if a chief immigration officer or someone of equivalent grade or above, has authorised it.</p>	

	Section 19 (general power of seizure)	<p>If you are lawfully on any premises you can seize anything on those premises if:</p> <ul style="list-style-type: none"> <li>• you have reasonable grounds to believe it was gained from carrying out an offence, or</li> <li>• it is evidence in relation any offence, and</li> <li>• seizing it is necessary to prevent it being: <ul style="list-style-type: none"> <li>○ concealed</li> <li>○ lost</li> <li>○ damaged</li> <li>○ altered, or</li> <li>○ destroyed.</li> </ul> </li> </ul>	
	Section 20 (extension of powers of seizure to computerised information)	If you are lawfully on the premises and using the powers of seizure under section 8 or section 18 of PACE you can ask the person to produce any information stored in an electronic format that is accessible from those premises in a removable format.	
	Section 21 (access and copying) (subject to the modification in article 9)	<p>This describes the circumstances in which you are required to:</p> <ul style="list-style-type: none"> <li>• provide a record of</li> <li>• grant access to, or</li> <li>• provide copies of seized material</li> </ul> <p>to people who can show they were the occupiers of the premises from where:</p> <ul style="list-style-type: none"> <li>• you seized the material, or</li> <li>• they had custody and control of the material immediately before it was seized.</li> </ul> <p>It does not apply to material seized or kept under the immigration acts.</p>	
	Section 22(1) to (4) and (7) (retention) (subject to the	This describes the circumstances in which you or any other authorised persons are entitled to retain seized	



	<p>modification in article 11)</p> <p>Section 24(1) to (5)(c)(iii) and (5)(d) to (5)(f) (arrest without warrant: constables) (subject to the modification in article 7)</p>	<p>material.</p> <p>This tells you who you can make an arrest without a warrant. You can arrest anyone:</p> <ul style="list-style-type: none"> <li>• who is: <ul style="list-style-type: none"> <li>○ guilty of</li> <li>○ about to commit, or</li> <li>○ in the process of committing an offence, or</li> </ul> </li> <li>• you have reasonable grounds to suspect is: <ul style="list-style-type: none"> <li>○ guilty of,</li> <li>○ about to commit, or</li> <li>○ in the process of committing an offence.</li> </ul> </li> </ul> <p>Under this provision immigration officers must only arrest for offences related to relevant immigration investigations.</p> <p>For more information on relevant immigration investigations, see related link: Relevant immigration investigations and applying PACE</p> <p>For more information on offences, see related links.</p> <p><b>When you can use this power</b></p> <p>You can only use this power of arrest if you have reasonable grounds to believe the arrest is necessary to:</p> <ul style="list-style-type: none"> <li>• find out the person's name and address</li> <li>• prevent the person: <ul style="list-style-type: none"> <li>○ causing physical injury to themselves or another</li> <li>○ suffering physical injury</li> <li>○ causing loss of, or damage to, property</li> </ul> </li> <li>• protect a child or other vulnerable person from the individual</li> </ul>	<p>Related Link</p> <p><a href="#">Relevant Offence - S28D(4) Immigration Act 1971</a></p> <p><a href="#">Relevant Offences – Part 3 - Immigration Act 1971</a></p> <p><a href="#">Asylum &amp; Immigration(Treatment of Claimants) Act 2004</a></p> <p><a href="#">Crime and Courts Act 2013</a></p> <p><a href="#">Relevant immigration investigation and applying PACE</a></p>
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		<ul style="list-style-type: none"> <li>allow the prompt and effective investigation of the: <ul style="list-style-type: none"> <li>offence, or</li> <li>person's conduct</li> </ul> </li> <li>prevent any prosecution for the offence being delayed by the person disappearing.</li> </ul> <p>This does not prevent you from using any other legislation in force that gives you a power to arrest and detain a person.</p> <p>In practice you should use the power of arrest provided for under PACE whenever you arrest a person.</p>	
	Section 28 (information to be given on arrest)	<p>An arrest is not lawful:</p> <ul style="list-style-type: none"> <li>if the person you arrest is not informed: <ul style="list-style-type: none"> <li>they are under arrest as soon as reasonably practical after the arrest</li> <li>of the grounds for the arrest at the time of, or as soon as is practical after the arrest</li> </ul> </li> <li>unless it was not reasonably practical for you to inform them because they have escaped from arrest before you could give them the information.</li> </ul>	
	Section 29 (voluntary attendance at police station etc)	<p>If a person voluntarily attends or accompanies you to a police station or any other place where an immigration officer is present, to assist in an investigation without having being arrested, the person is:</p> <ul style="list-style-type: none"> <li>entitled to leave at will unless they are placed under arrest</li> <li>to be immediately informed they are under arrest if you decide to prevent them from leaving at will.</li> </ul>	
	Section 30(1) to (4)(a) and (5) to (13) (arrest elsewhere than at police station)	<p>If you arrest a person for an offence, you must take the person to a police station as soon as it is practical after arrest.</p>	

		<p>You can delay taking a person to a police station immediately where the presence of the arrested person at a place other than a police station is necessary to carry out the investigation.</p> <p>The person must be immediately released (whether or not they have arrived at a police station) if you are satisfied there are no longer grounds to keep that person under arrest.</p>	
	Section 31 (arrest for further offence)	<p>If a person is at a police station because:</p> <ul style="list-style-type: none"> <li>• they have been arrested for an offence, and</li> <li>• you feel if they were released from arrest they would be liable to arrest for another offence related to a relevant immigration investigation</li> </ul> <p>you must arrest the person for that other offence.</p>	
	Section 32(1) to (9) (search upon arrest) (subject to the modification in article 9)	<p>You may search any person of the same sex when the person was arrested at a place other than a police station, if you have reasonable grounds to believe they:</p> <ul style="list-style-type: none"> <li>• may pose a danger to themselves or others</li> <li>• have anything that might be used to assist in escaping from lawful custody, or</li> <li>• have anything that may be evidence relating to an offence.</li> </ul> <p>You may also enter and search any premises where a person was present upon arrest, or immediately before arrest, for evidence relating to the offence.</p> <p>This is only if the offence for which the person is arrested is an indictable one.</p>	
	Section 46A(1) and (1A) to	You may arrest a person without a warrant if they:	

This is based on the Police and Criminal Evidence Act 1984(Application to immigration officers and designated customs officials in England and Wales) Order 2013.

	(3) (power of arrest for failure to answer to police bail)	<ul style="list-style-type: none"><li>• were released on bail under PACE after having been arrested for an offence related to a relevant immigration investigation, and must attend at a police station, but</li><li>• do not attend at that police station at the time they are supposed to.</li></ul>	
	Section 51(b) (savings)	You may arrest a person without a warrant under the powers given by section 41 of, or Schedule 7 to, the Terrorism Act 2000 (powers of arrest and detention) if you have a reasonable suspicion they are a terrorist.	
	Section 107(2) (police officers performing duties of higher rank)	If you can only use a power under a provision of PACE, or any other act, with the authority of at least the rank of a chief immigration officer, then; <ul style="list-style-type: none"><li>• an immigration officer is treated as being a chief immigration officer if they have been authorised by<ul style="list-style-type: none"><li>○ at least an immigration inspector, to use that power, or</li><li>○ to give their authority to use it.</li></ul></li></ul>	
	For the exact wording of all these sections, see related links.		

This is based on the Police and Criminal Evidence Act 1984 (Application to immigration officers and designated customs officials in England and Wales) Order 2013.

## The Police and Criminal Evidence Act (PACE) Order 2013 explained

### The equivalent terms and titles used in the PACE order 2013

[About this guidance](#)  
[What is the PACE order](#)  
[Relevant immigration investigation and applying PACE](#)  
[The provisions applied to the 2013 order and terms used](#)

This section tells you about replacing of equivalent words, phrases and grades in the Police and Criminal Evidence Act 2004, as described by the PACE Order 2013.

**The equivalent terms set out in PACE part 2**  
The equivalent terms for the Home office are:

Police	Home Office
Constable	Immigration officer
Officer Police officer Officer of a force maintained by a local policing body	Immigration officer (except in section 16(10A) to 16(11), section 18(8), paragraphs 9 to 10 of Schedule 1 and all references to custody officer or officer of Her Majesty’s Revenue & Customs)
Rank	Grade
The police	The Secretary of State or immigration officers

**The equivalent titles set out in PACE part 3**  
The equivalent titles of immigration officers are:

Police	Grade of immigration officer
Sergeant	Immigration officer
Inspector	Chief immigration officer
Chief inspector	Chief immigration officer
Superintendent	Immigration inspector

**In this section**  
[Explaining the provisions – Part 1 of the 2013 order](#)

**Related links**  
[The PACE Order 2013](#)

This is based on the Police and Criminal Evidence Act 1984(Application to immigration officers and designated customs officials in England and Wales) Order 2013.

## The Police and Criminal Evidence Act (PACE) Order 2013 explained

### Contact

<a href="#">About this guidance</a> <a href="#">What is the PACE order</a> <a href="#">Relevant immigration investigation and applying PACE</a> <a href="#">The provisions applied to the 2013 order and terms used</a>	<p>This page explains who to contact for more help with the PACE Order 2013 as applicable in England and Wales category.</p> <p>If you have read the relevant legislation and this guidance and still need more help with this category, you must first ask your senior officer or line manager.</p> <p>If the question cannot be answered at that level, you may email Aidan Kiely, the guidance owner, using the related link for guidance on the policy.</p> <p>Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact the guidance owner, Aidan Kiely who will ask the MGT to update the guidance, if appropriate.</p> <p>The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Modernised guidance team.</p>	<p><b>Related links</b> <a href="#">Changes to this guidance</a> <a href="#">Information owner</a></p> <p><b>External links</b> Links to staff intranet removed</p>
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This is based on the Police and Criminal Evidence Act 1984 (Application to immigration officers and designated customs officials in England and Wales) Order 2013.

## The Police and Criminal Evidence Act (PACE) Order 2013 explained

### Information owner

[About this guidance](#)  
[What is the PACE order](#)  
[Relevant immigration investigation and applying PACE](#)  
[The provisions applied to the 2013 order and terms used](#)

This page tells you about this version of the implementing section 35 in England and Wales guidance and who owns it.

Version	V2.0
Valid from date	15 August 2013
Policy owner	Aidan Kiely
Cleared by director	David Pennant Sonia Dower
Director's role	Director – criminal investigations Director – operational policy and rules
Clearance date	21 June 2013
This version approved for publication by	Steve Clements
Approver's role	Senior investigation officer, immigration and enforcement
Approval date	15 August 2013

Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact the guidance owner, Aidan Kiel, who will ask the MGT to update the guidance, if appropriate.

The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Modernised guidance team.

### Related links

[Changes to this guidance](#)  
[Contact](#)

### External links

Links to staff intranet removed