



UK Borders Act 2007

2007 CHAPTER 30

Detention at ports

1 Designated immigration officers

- (1) The Secretary of State may designate immigration officers for the purposes of section 2.
- (2) The Secretary of State may designate only officers who the Secretary of State thinks are—
 - (a) fit and proper for the purpose, and
 - (b) suitably trained.
- (3) A designation—
 - (a) may be permanent or for a specified period, and
 - (b) may (in either case) be revoked.

Commencement Information

II S. 1 in force at 31.1.2008 by S.I. 2008/99, art. 2(a)

2 Detention

- (1) A designated immigration officer at a port in England, Wales or Northern Ireland may detain an individual if the immigration officer thinks that the individual—
 - (a) may be liable to arrest by a constable under section 24(1), (2) or (3) of the Police and Criminal Evidence Act 1984 (c. 60) or Article 26(1), (2) or (3) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)),
 - [^{F1}(aa) is the subject of a certificate under section 74B of the Extradition Act 2003,] or
 - (b) is subject to a warrant for arrest.

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- [^{F2}(1A) A designated immigration officer at a port in Scotland may detain an individual if the immigration officer thinks that] [^{F3}the individual—
- (a) may be liable to be detained by a constable under section 14 of the Criminal Procedure (Scotland) Act 1995 in respect of an offence under section 10(1) of the Counter-Terrorism and Security Act 2015,
- [^{F4}(aa) is the subject of a certificate under section 74B of the Extradition Act 2003,] or
- (b) is subject to a warrant for arrest.]
- (2) A designated immigration officer who detains an individual—
- (a) must arrange for a constable to attend as soon as is reasonably practicable,
 - (b) may search the individual for, and retain, anything that might be used to assist escape or to cause physical injury to the individual or another person,
 - (c) must retain anything found on a search which the immigration officer thinks may be evidence of the commission of an offence, and
 - (d) must, when the constable arrives, deliver to the constable the individual and anything retained on a search.
- (3) An individual may not be detained under this section for longer than three hours.
- (4) A designated immigration officer may use reasonable force for the purpose of exercising a power under this section.
- (5) Where an individual whom a designated immigration officer has detained or attempted to detain under this section leaves the port, a designated immigration officer may—
- (a) pursue the individual, and
 - (b) return the individual to the port.
- (6) Detention under this section shall be treated as detention under the Immigration Act 1971 (c. 77) for the purposes of Part 8 of the Immigration and Asylum Act 1999 (c. 33) (detained persons).

Textual Amendments

- F1** S. 2(1)(aa) inserted (31.12.2020) by [Extradition \(Provisional Arrest\) Act 2020 \(c. 18\)](#), s. 2(4), **Sch. para. 28**; S.I. 2020/1652, reg. 2(1)(b)
- F2** S. 2(1A) inserted (27.10.2014) by [Borders, Citizenship and Immigration Act 2009 \(c. 11\)](#), **ss. 52(1), 58(3)(b)**; S.I. 2014/2634, art. 2(b)
- F3** Words in s. 2(1A) substituted (12.2.2015) by [Counter-Terrorism and Security Act 2015 \(c. 6\)](#), **ss. 10(8), 52(5)**
- F4** S. 2(1A)(aa) inserted (31.12.2020) by [Extradition \(Provisional Arrest\) Act 2020 \(c. 18\)](#), s. 2(4), **Sch. para. 28**; S.I. 2020/1652, reg. 2(1)(b)

Modifications etc. (not altering text)

- C1** S. 2 modified by S.I. 1993/1813, art. 7, Sch. 4 para. 6(1) (as amended (16.4.2015) by [The Channel Tunnel \(International Arrangements\) and Channel Tunnel \(Miscellaneous Provisions\) \(Amendment\) Order 2015 \(S.I. 2015/856\)](#), arts. 1, 4)
- C2** S. 2 modified by S.I. 1994/1405, **art. 7** (as amended (coming into force on a date to be notified in the Gazette in accordance with reg. 1(3) of the amending S.I.) by [The Channel Tunnel \(International Arrangements and Miscellaneous Provisions\) \(Amendment\) Order 2020 \(S.I. 2020/915\)](#), regs. 1(3), **11**)
- C3** S. 2 modified (30.9.2020 immediately after the entry into force of S.I. 2020/915, **art. 5**) by [The Channel Tunnel \(Arrangements with the Kingdom of the Netherlands\) Order 2020 \(S.I. 2020/916\)](#), regs. 1(3), **6**

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Commencement Information

I2 S. 2 in force at 31.1.2008 by [S.I. 2008/99](#), [art. 2\(a\)](#)

3 Enforcement

- (1) An offence is committed by a person who—
 - (a) absconds from detention under section 2,
 - (b) assaults an immigration officer exercising a power under section 2, or
 - (c) obstructs an immigration officer in the exercise of a power under section 2.
- (2) A person guilty of an offence under subsection (1)(a) or (b) shall be liable on summary conviction to—
 - (a) imprisonment for a term not exceeding 51 weeks,
 - (b) a fine not exceeding level 5 on the standard scale, or
 - (c) both.
- (3) A person guilty of an offence under subsection (1)(c) shall be liable on summary conviction to—
 - (a) imprisonment for a term not exceeding 51 weeks,
 - (b) a fine not exceeding level 3 on the standard scale, or
 - (c) both.
- (4) In the application of this section to Northern Ireland—
 - (a) the reference in subsection (2)(a) to 51 weeks shall be treated as a reference to six months, and
 - (b) the reference in subsection (3)(a) to 51 weeks shall be treated as a reference to one month.
- [^{F5}(4A) In the application of this section to Scotland, the references in subsections (2)(a) and (3)(a) to 51 weeks shall be treated as references to 12 months.]
- (5) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44) (51 week maximum term of sentences)—
 - (a) the reference in subsection (2)(a) to 51 weeks shall be treated as a reference to six months, and
 - (b) the reference in subsection (3)(a) to 51 weeks shall be treated as a reference to one month.

Textual Amendments

F5 S. 3(4A) inserted (27.10.2014) by [Borders, Citizenship and Immigration Act 2009](#) (c. 11), [ss. 52\(2\), 58\(3\)\(b\)](#); [S.I. 2014/2634](#), [art. 2\(b\)](#)

Commencement Information

I3 S. 3 in force at 31.1.2008 by [S.I. 2008/99](#), [art. 2\(a\)](#)

4 Interpretation: “port”

- (1) In section 2 “port” includes an airport and a hoverport.

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- (2) A place shall be treated for the purposes of that section as a port in relation to an individual if a designated immigration officer believes that the individual—
- (a) has gone there for the purpose of embarking on a ship or aircraft, or
 - (b) has arrived there on disembarking from a ship or aircraft.

Modifications etc. (not altering text)

- C4** S. 4 modified by S.I. 1993/1813, art. 7, Sch. 4 para. 6(2) (as amended (16.4.2015) by [The Channel Tunnel \(International Arrangements\) and Channel Tunnel \(Miscellaneous Provisions\) \(Amendment\) Order 2015 \(S.I. 2015/856\)](#), arts. 1, 4)
- C5** S. 4 modified by S.I. 1994/1405, [art. 7](#) (as amended (coming into force on a date to be notified in the Gazette in accordance with reg. 1(3) of the amending S.I.) by [The Channel Tunnel \(International Arrangements and Miscellaneous Provisions\) \(Amendment\) Order 2020 \(S.I. 2020/915\)](#), regs. 1(3), **11**)
- C6** S. 4 modified (30.9.2020 immediately after the entry into force of S.I. 2020/915, [art. 5](#)) by [The Channel Tunnel \(Arrangements with the Kingdom of the Netherlands\) Order 2020 \(S.I. 2020/916\)](#), regs. 1(3), **6**
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Commencement Information

- I4** S. 4 in force at 31.1.2008 by S.I. 2008/99, [art. 2\(a\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act excluded by [2024 c. 8 s. 2\(5\)\(a\)](#)⁵

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 33(4)(4A)(4B) substituted for s. 33(4) by [S.I. 2019/745 reg. 17\(3\)](#) (This amendment not applied to legislation.gov.uk. Reg. 17(3)(4) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 61(2)(o) and word inserted by [2024 c. 8 s. 7\(1\)\(b\)](#)