

## SCHEDULES

### SCHEDULE 8

Section 147

#### POWERS TO SEIZE INVALID PASSPORTS ETC

##### *Interpretation*

- 1 (1) In this Schedule “examining officer” means—
- (a) a constable,
  - (b) a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971, or
  - (c) a general customs official designated under section 3(1) of the Borders, Citizenship and Immigration Act 2009.
- (2) In this Schedule “travel document” means anything that is, or appears to be, a passport or other document which—
- (a) has been issued by or for Her Majesty’s Government, or the government of another state, and
  - (b) enables or facilitates travel from one state to another.
- (3) For the purposes of this Schedule a travel document is “invalid” if—
- (a) it has been cancelled,
  - (b) it has expired,
  - (c) it was not issued by the government or authority by which it purports to have been issued, or
  - (d) it has undergone an unauthorised alteration.
- (4) In this Schedule “port” means—
- (a) an airport,
  - (b) a sea port,
  - (c) a hoverport,
  - (d) a heliport,
  - (e) a railway station where passenger trains depart for, or arrive from, places outside the United Kingdom, or
  - (f) any other place at which a person is able, or attempting, to get on or off any craft, vessel or vehicle in connection with entering or leaving Great Britain or Northern Ireland.

##### *Powers of search and seizure etc: ports*

- 2 (1) An examining officer may exercise any of the powers under this paragraph in the case of a person at a port whom the officer believes to be there in connection with—
- (a) entering or leaving Great Britain or Northern Ireland, or
  - (b) travelling by air within Great Britain or within Northern Ireland.

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- (2) The powers are—
- (a) to require the person to hand over all travel documents in his or her possession for inspection by the examining officer;
  - (b) to search for travel documents and to take possession of any that the officer finds;
  - (c) to inspect any travel document taken from the person and to retain it while its validity is checked;
  - (d) (subject to paragraph 4) to retain any travel document taken from the person that the examining officer believes to be invalid.
- (3) The power under sub-paragraph (2)(b) is a power to search—
- (a) the person;
  - (b) anything that the person has with him or her;
  - (c) any vehicle in which the examining officer believes the person to have been travelling or to be about to travel.
- (4) An examining officer—
- (a) may stop a person or vehicle for the purposes of exercising a power under this paragraph;
  - (b) may if necessary use reasonable force for the purpose of exercising a power under this paragraph;
  - (c) may authorise a person to carry out on the officer's behalf a search under this paragraph.

*Powers of search and seizure etc: constables*

- 3 (1) A constable may exercise any of the powers under this paragraph, at a place that is not a port, in the case of a person whom the constable reasonably believes to be in possession of a passport to which this paragraph applies.
- (2) This paragraph applies to a passport if—
- (a) the passport was issued by or for Her Majesty's Government,
  - (b) the Secretary of State has cancelled the passport on the basis that the person to whom it was issued has or may have been, or will or may become, involved in activities so undesirable that it is contrary to the public interest for the person to have access to passport facilities, and
  - (c) the passport is specified in an authorisation issued by the Secretary of State for the use of the powers under this paragraph.
- (3) The powers are—
- (a) to require the person to hand over all travel documents in his or her possession for inspection by the constable;
  - (b) to search for travel documents and to take possession of any that the constable finds;
  - (c) to inspect any travel document taken from the person and to retain it while its validity is checked;
  - (d) (subject to paragraph 4) to retain any travel document taken from the person that the constable believes to be invalid.
- (4) The power under sub-paragraph (3)(b) is a power to search—
- (a) the person;

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- (b) anything that the person has with him or her;
  - (c) any vehicle in which the constable believes the person to have been travelling or to be about to travel;
  - (d) any premises on which the constable is lawfully present.
- (5) 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.

#### *Retention or return of documents seized*

- 4
- (1) If a travel document is retained under paragraph 2(2)(c) or 3(3)(c) while its validity is checked, the checking must be carried out as soon as possible.
  - (2) If it is established that a travel document taken from a person under paragraph 2 or 3—
    - (a) is valid, or
    - (b) is invalid only because it has expired,it must be returned to the person straight away.
  - (3) A travel document taken from a person under paragraph 2 or 3 must be returned to the person 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.
  - (4) A requirement under sub-paragraph (2)(b) or (3) to return an expired travel document does not apply where the officer concerned reasonably believes that the person from whom he or she took the document, or some other person, intends to use it for purposes for which it is no longer valid.
  - (5) A requirement under sub-paragraph (2) or (3) to return a travel document has effect subject to any provision not in this Schedule under which the document may be lawfully retained.

#### *Offences*

- 5
- (1) A person who is required under paragraph 2(2)(a) or 3(3)(a) to hand over all travel documents in the person's possession commits an offence if he or she fails without reasonable excuse to do so.
  - (2) A person who intentionally obstructs, or seeks to frustrate, a search under paragraph 2 or 3 commits an offence.
  - (3) A person guilty of an offence under this paragraph is liable on summary conviction—
    - (a) to imprisonment for a term not exceeding 6 months, or
    - (b) to a fine, which in Scotland or Northern Ireland may not exceed £5,000,or to both.
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- An examining officer, other than a constable, exercising a power under paragraph 2 has the same powers of arrest without warrant as a constable in relation to an offence under—

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- (a) paragraph 5, or
- (b) section 4 or 6 of the Identity Documents Act 2010.