

Arrest Warrants

Immigration Act 1971

Arrest with warrant

28AA. - (1) This section applies if on an application by an immigration officer a justice of the peace [now lay magistrate] is satisfied that there are reasonable grounds for suspecting that a person has committed an offence under-

(a) section 24(1)(d), or

(b) section 21(1) of the Immigration, Asylum and Nationality Act 2006.

(2) The justice of the peace [now lay magistrate] may grant a warrant authorising any immigration officer to arrest the person.

Search and arrest by warrant

28B. - (1) Subsection (2) applies if a justice of the peace [now lay magistrate] is, by written information on oath, satisfied that there are reasonable grounds for suspecting that a person ("the suspect") who is liable to be arrested for a relevant offence is to be found on any premises.

(2) The justice may grant a warrant authorising any immigration officer or constable to enter, if need be by force, the premises named in the warrant for the purpose of searching for and arresting the suspect.

(3) (Scotland)

(5) "Relevant offence" means an offence under section 24(1)(a), (b), (c), (d), (e) or (f), 24A, 26A or 26B.

Illegal entry and similar offences

24. - (1) A person who is not a British citizen shall be guilty of an offence punishable on summary conviction with a fine of not more than level 5 or with imprisonment for not more than six months, or with both, in any of the following cases:-

(a) if contrary to this Act he knowingly enters the United Kingdom in breach of a deportation order or without leave;

(b) if, having only a limited leave to enter or remain in the United Kingdom, he knowingly either-

(i) remains beyond the time limited by the leave; or

- (ii) fails to observe a condition of the leave;
- (c) if, having lawfully entered the United Kingdom without leave by virtue of section 8(1) above, he remains without leave beyond the time allowed by section 8(1);
- (d) if, without reasonable excuse, he fails to comply with any requirement imposed on him under Schedule 2 to this Act to report to [the chief administrative medical officer of a [Regional Agency/Board]], or to attend, or submit to a test or examination, as required by such an officer;
- (e) if, without reasonable excuse, he fails to observe any restriction imposed on him under Schedule 2 or 3 to this Act as to residence, as to his employment or occupation or as to reporting to the police, to an immigration officer or to the Secretary of State,
- (f) if he disembarks in the United Kingdom from a ship or aircraft after being placed on board under Schedule 2 or 3 to this Act with a view to his removal from the United Kingdom;
- (g) if he embarks in contravention of a restriction imposed by or under an Order in Council under section 3(7) of this Act.

Deception

24A. - (1) A person who is not a British citizen is guilty of an offence if, by means which include deception by him-

- (a) he obtains or seeks to obtain leave to enter or remain in the United Kingdom; or
- (b) he secures or seeks to secure the avoidance, postponement or revocation of enforcement action against him.

Registration card

26A. - (3) A person commits an offence if he-

- (a) makes a false registration card,
- (b) alters a registration card with intent to deceive or to enable another to deceive,
- (c) has a false or altered registration card in his possession without reasonable excuse,

- (d) uses or attempts to use a false registration card for a purpose for which a registration card is issued,
- (e) uses or attempts to use an altered registration card with intent to deceive,
- (f) makes an article designed to be used in making a false registration card,
- (g) makes an article designed to be used in altering a registration card with intent to deceive or to enable another to deceive, or
- (h) has an article within paragraph (f) or (g) in his possession without reasonable excuse.

Possession of immigration stamp

- 26B. - (1) A person commits an offence if he has an immigration stamp in his possession without reasonable excuse.
- (2) A person commits an offence if he has a replica immigration stamp in his possession without reasonable excuse.

The Immigration, Asylum and Nationality Act 2006 (c.13)

Offence [in force 29 Feb 2008]

- 21 - (1) A person commits an offence if he employs another ("the employee") knowing that the employee is an adult subject to immigration control and that-
- (a) he has not been granted leave to enter or remain in the United Kingdom, or
 - (b) his leave to enter or remain in the United Kingdom-
 - (i) is invalid,
 - (ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or
 - (iii) is subject to a condition preventing him from accepting the employment.

Treatment of Offenders Act (NI) 1968

Discovery of further offences

21. - (1) If an offender is convicted in Northern Ireland of an offence punishable with imprisonment in the case of a person aged twenty-one years or over, committed during the operational period of a suspended sentence or order for detention and it appears to a justice of the peace [now lay magistrate] having jurisdiction in the county court division in which he was committed for trial or, where the offence was not tried on indictment, where he is convicted, that he has not been dealt with in respect of the suspended sentence or order for detention, the justice may issue a summons requiring the offender to appear at the place and time specified therein, or may, subject to the following provisions of this section, issue a warrant for his arrest.

(2) A summons under this section shall not be issued except on complaint; and a warrant under this section shall not be issued except on complaint in writing and on oath.

(2A) Subsection (2) does not apply to a summons or warrant issued (by virtue of section 9(12) of the Justice (Northern Ireland) Act 2002) by a judge of the Crown Court acting in consequence of a notice under section 20(3) of this Act.

(3) A summons or warrant issued under, this section shall direct the offender to appear or to be brought before the court by which the suspended sentence or order for detention was passed or made; but if a warrant is so issued requiring him to be brought before the Crown Court and he cannot forthwith be brought before that court because the court is not being held, the warrant shall have effect as if it directed him to be brought before a magistrates court having jurisdiction in the place where he is arrested and the latter court shall commit him in custody or on bail to the Crown Court.

The Treatment of Offenders (Northern Ireland) Order 1976

Conviction within certain period after discharge from prison, etc.

3. - (1) Subject to paragraph (2), where-

(a) after a person is discharged from prison or a young offenders centre after the commencement of this Part in pursuance of prison rules, but before any sentence of imprisonment or term of detention to which he was subject immediately before his discharge would (but for that discharge) have expired, he commits, and is convicted of, an offence in Northern Ireland; and

(b) the offence is punishable with imprisonment in the case of a person aged twenty-one years or over, the court may, without prejudice to its powers to deal with him in respect of the offence, order that he be returned to prison or, where appropriate, to a young offenders centre for such period, not exceeding that referred to in paragraph (3), as it thinks fit and, where it is a magistrates' court, exercise the powers conferred by paragraph (4).

(2) Paragraph (1) shall not apply to any person unless, immediately before his discharge from prison or a young offenders centre, the sentence of imprisonment or term of detention which he was serving (as pronounced by the court) exceeded one year or such other period as the [Department of Justice] may prescribe by order.

(3) The period referred to in paragraph (1) is-

(a) where the court is a magistrates' court, the lesser of-

(i) twelve months; or

(ii) the period between the date of the order referred to in paragraph (1) and the date on which any sentence of imprisonment or term of detention so referred to would have expired in his case but for his discharge in pursuance of prison rules;

(b) where the court is not a magistrates' court, the period referred to in sub-paragraph (a)(ii).

(4) Where, at the date on which a magistrates' court convicts an offender, the period between that date and the date on which any sentence of imprisonment or term of detention referred to in paragraph (1) would have expired in his case but for his discharge in pursuance of prison rules exceeds twelve months, the court may, without prejudice to its powers to deal with him in respect of the offence, commit him in custody or on bail to the Crown Court.

(5) Where a person is committed under paragraph (4), the Crown Court may, without prejudice to any sentence passed or order made by the magistrates' court in respect of the offence, order that he be returned to prison or, where appropriate, to a young offenders centre for such period, not exceeding that referred to in paragraph (3) (a) (ii), as it thinks fit.

(7) Where, on consideration of the case of an offender under this Article, a court makes no order with respect to his return to prison or a young offenders centre, the appropriate officer of the court shall record that fact.

(8) Where, under paragraph (1) or (5), a person is ordered to be returned to prison or a young offenders centre, the period for which he is ordered to be

returned to prison or a young offenders centre under that paragraph shall notwithstanding anything in any other enactment, take effect on the date of the order.

(9) A magistrates' court shall not exercise the powers conferred by paragraph (1) unless the offender is before the court.

(10) For the purposes of the Prison Act (Northern Ireland) 1953 and of the Treatment of Offenders Act (Northern Ireland) 1968, the period for which a person is ordered under this Article to be returned to prison or a young offenders centre shall be taken to be a sentence of imprisonment or term of detention.

Criminal Justice (NI) Order 1996 (NI 24)

Commission of further offence by person conditionally discharged

5. - (1) If it appears to the Crown Court, where that Court has jurisdiction in accordance with paragraph (2), or to a justice of the peace [now lay magistrate] having jurisdiction in accordance with that paragraph, that a person in whose case an order for conditional discharge has been made-

(a) has been convicted by a court in any part of Northern Ireland of an offence committed during the period of conditional discharge; and

(b) has been dealt with in respect of that offence,

the Court or justice may, subject to paragraph (3), issue a summons requiring that person to appear at the place and time specified therein or a warrant for his arrest.

(2) Jurisdiction for the purposes of paragraph (1) may be exercised-

(a) if the order for conditional discharge was made by the Crown Court, by that Court;

(b) if the order was made by a magistrates' court, by a justice of the peace [now lay magistrate].

(3) A justice of the peace [now lay magistrate] shall not issue a summons under this Article except on complaint and shall not issue a warrant under this Article except on complaint in writing and on oath.

(4) A summons or warrant issued under this Article shall direct the person to whom it relates to appear or to be brought before the court by which the order for conditional discharge was made.

Criminal Justice (NI) Order 1996 (NI 24)

Breach of licence conditions

27—(1) If at any time while an offender is released on licence under Article 26 it appears, on complaint to a lay magistrate, that the offender has failed to comply with any of the conditions specified in the licence, the lay magistrate may—

- (a) issue a summons requiring the offender to appear before the appropriate court at a time specified in the summons; or
- (b) if the complaint is in writing and on oath, issue a warrant for the offender to be arrested and brought before the appropriate court.

(2) If—

- (a) a warrant is issued under sub-paragraph (1) requiring an offender to be brought before the Crown Court, and
 - (b) the offender cannot forthwith be brought before the Crown Court because it is not being held,
- the warrant shall have effect as if it directed the offender to be brought before a magistrates' court acting for the petty sessions district in which he resides.

Criminal Justice (NI) Order 1996 (NI 24) – Schedule 2

BREACH OF REQUIREMENT OF ORDER

Issue of summons or warrant

2. - (1) If at any time while a relevant order is in force in respect of an offender it appears on complaint to a justice of the peace [now lay magistrate] that the offender has failed to comply with any of the requirements of the order, the justice may-

- (a) issue a summons requiring the offender to appear at the place and time specified in it; or
- (b) if the complaint is in writing and on oath, issue a warrant for his arrest.

(2) Any summons or warrant issued under this paragraph shall direct the offender to appear or be brought—

- (a) in the case of a drug treatment and testing order, before the court responsible for the order;

- (b) in the case of any other order—
 - (i) if the order was made by the Crown Court, before that court;
 - (ii) if the order was made by a magistrates' court, before a court of summary jurisdiction acting for the petty sessions district concerned.

(3) If—

(a) a warrant is issued under this paragraph requiring an offender to be brought before the Crown Court, and

(b) the offender cannot forthwith be brought before the Crown Court because it is not being held,

the warrant shall have effect as if it directed the offender to be brought before a magistrates' court having jurisdiction in the place where he is arrested.

(4) Where an offender is brought before a magistrates' court in pursuance of sub-paragraph (3), that court shall commit the offender in custody or on bail to the Crown Court.

The Criminal Justice Act 1967 (c.80)

Power of magistrates to issue warrants for arrest of escaped prisoners and mental patients

72. - (1) On an information in writing being laid before a justice of the peace [or lay magistrate] for any area in England and Wales or Northern Ireland and substantiated on oath, or on an application being made to a sheriff, magistrate or justice of the peace in Scotland, alleging that any person is-

(a) an offender unlawfully at large from a prison or other institution to which the Prison Act applies in which he is required to be detained after being convicted of an offence; or

(b) a convicted mental patient liable to be retaken under section 18, 38(7) or 138 of the Mental Health Act 1983, section 28, 44 or 121 of the Mental Health (Scotland) Act 1984 or Article 29, 45(6) or 132 of the Mental Health (Northern Ireland) Order 1986 (retaking of mental patients who are absent without leave or have escaped from custody);

the justice, sheriff or magistrate may issue a warrant to arrest him and bring him before a magistrates' court for that area or, in Scotland, before any sheriff'.

(2) Where a person is brought before a magistrates' court or sheriff in pursuance of a warrant for his arrest under this section, the court or sheriff shall, if satisfied that he is the person named in the warrant and if satisfied as to the facts mentioned in paragraph (a) or (b) of the foregoing subsection, order him to be returned to the prison or other institution where he is required or liable to be detained or, in the case of a convicted mental patient, order him to be kept in custody or detained in a place of safety pending his admission to hospital.

(3) Section 137 of the Mental Health Act 1983, section 120 of the Mental Health (Scotland) Act 1984 and Article 131 of the Mental Health (Northern Ireland) Order 1986 (custody, conveyance and detention of certain mental patients) shall apply to a convicted mental patient required by this section to be conveyed to any place or to be kept in custody or detained in a place of safety as they apply to a person required by or by virtue of the said Act of 1983, or 1984 or the said Order of 1986, as the case may be, to be so conveyed, kept or detained.

(4) In this section-

“convicted mental patient” means a person liable after being convicted of an offence to be detained under Part III of the Mental Health Act 1983, Part VI of the Mental Health (Scotland) Act 1984 or Part III of the Mental Health (Northern Ireland) Order 1986 in pursuance of a hospital order or transfer direction together with an order or direction restricting his discharge or in pursuance of a hospital direction and a limitation direction or a person liable to be detained under section 38 of the said Act of 1983 or Article 45 of the Mental Health (Northern Ireland) Order 1986;

“place of safety” has the same meaning as in Part III of the said Act of 1983 or Part VI of the said Act of 1984 or Part III of the said Order of 1986, as the case may be;

“Prison Act” means the Prison Act 1952, the Prisons (Scotland) Act 1952 or the Prison Act (Northern Ireland) 1953, as the case may be.

(6) References in this section to offences include service offences within the meaning of the Armed Forces Act 2006.

Criminal Justice (NI) Order 2008 (NI 1)

SCHEDULE 3 [in force 1 Jan 2012]

(Article 45)

SUPERVISED ACTIVITY ORDERS: FURTHER PROVISIONS

Failure to comply with order

5.—(1) If at any time while a supervised activity order is in force in respect of any offender it appears, on complaint to a lay magistrate, that the offender has failed to comply with any of the requirements of paragraph 4 or of the order (including any failure satisfactorily to carry out any instructions which the offender has been given by the supervising officer under the order), the lay magistrate may—

- (a) issue a summons requiring the offender to appear before the appropriate court at a time specified in the summons; or
- (b) if the complaint is in writing and on oath, issue a warrant for the offender to be arrested and brought before the appropriate court.

(2) If—

- (a) a warrant is issued under sub-paragraph (1) requiring an offender to be brought before the Crown Court; and
- (b) the offender cannot forthwith be brought before the Crown Court because it is not being held

the warrant shall have effect as if it directed the offender to be brought before a magistrates' court having jurisdiction in the place where the offender is arrested.

(3) Where an offender is brought before a magistrates' court in pursuance of sub-paragraph (2), that court shall commit the offender in custody or on bail to the Crown Court.

(4) If it is proved to the satisfaction of the appropriate court before which an offender appears or is brought under this paragraph that the offender has failed without reasonable excuse to comply with any of the requirements of paragraph 4 or of the order (including any failure satisfactorily to carry out any instructions which the offender has been given by the supervising officer under the order) the court may—

- (a) revoke the order and impose such period of imprisonment not exceeding—
 - (i) in the case of the Crown Court, 30 days; and
 - (ii) in the case of a magistrates' court, 20 days,as the court considers appropriate; or
- (b) subject to Article 45(3) and paragraph 2(3), vary the number of hours specified in the order.