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DRAFT STATUTORY INSTRUMENTS

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**2021 No.**

**The Nationality, Immigration and Asylum Act 2002  
(Juxtaposed Controls) (Amendment) (No. 2) Order 2021**

**Amendment of the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls)  
Order 2003**

**3.** In the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003(1), in Schedule 2 (modification of applied enactments), after paragraph 4 insert—

**“The UK Borders Act 2007**

**4A.** In section 2 of the UK Borders Act 2007(2) (detention)—

(a) in subsection (1)—

(i) omit “in England, Wales or Northern Ireland”;

(ii) in paragraph (a) omit “or Article 26(1)” to the end;

(iii) after paragraph (aa), insert—

“(ab) may be liable to arrest by a constable under section 24(1), (2) or (3) of the Police and Criminal Evidence Act 1984 if the act or omission had taken place in England, or”;

(b) omit subsection (1A);

(c) in subsection (2)(a) after “constable” insert “or an officer belonging to the French Republic”;

(d) in subsection (2)(d) after “constable”, in each place where it appears, insert “or an officer belonging to the French Republic”;

(e) omit subsection (5).”

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(1) S.I. 2003/2818; relevant amending instruments are S.I. 2006/2908, 2013/3032 and 2020/1309.

(2) 2007 c. 30; amended by section 52(1) of the Borders, Citizenship and Immigration Act 2009 (c. 11), section 10(8) of the Counter-Terrorism and Security Act 2015 (c. 6), S.I. 2018/46 and paragraphs 27 and 28 of the Schedule to the Extradition (Provisional Arrest) Act 2020 (c. 18).