



Immigration Act 1971

1971 CHAPTER 77

PART IV **U.K.**

SUPPLEMENTARY

29 Contributions for expenses of persons returning abroad. **U.K.**

- (1) The Secretary of State may, in such cases as he may with the approval of the Treasury determine, make payments of such amount as may be so determined to meet or provide for expenses of persons who are not [^{F1}British citizens] in leaving the United Kingdom for a country or territory where they intend to reside permanently, including travelling expenses for members of their families or households.
- (2) The Secretary of State shall, so far as practicable, administer this section so as to secure that a person's expenses in leaving the United Kingdom are not met by or out of a payment made by the Secretary of State unless it is shown that it is in that person's interest to leave the United Kingdom and that he wishes to do so.

Textual Amendments

F1 Words substituted by [British Nationality Act 1981 \(c. 61\), s. 52\(7\), Sch. 4 para. 2](#)

Modifications etc. (not altering text)

C1 [S. 29](#) extended (with modifications)(1.8.1993) by [S.I. 1993/1796](#) art. 3(1), Sch. 1 Pt.I (Guernsey), [1993/1797](#) art. 3(1), Sch. 1 Pt.I (Jersey)

30 Return of mental patients. **U.K.**

^{F2}(1)

^{F3}(2)

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Textual Amendments

- F2** S. 30(1) repealed (1.1.1983) by [British Nationality Act 1981 \(c. 61\), s. 52\(7\), Sch. 9](#) (with [Sch. 8 para. 8](#)); [S.I. 1982/933, art. 2](#) [Editorial note: According to the *Chronological Table of the Statutes (1951-1987)* (HMSO, 1989) there were no amendments made to s. 30 between the date of Royal Assent and the repeal of s. 30(1) on 1.1.1983 and therefore the text of s. 30 as in force immediately before the commencement of the British Nationality Act 1981 is the same as that of the [Original \(As enacted\) Version](#) of this section.]
- F3** S. 30 repealed by [Mental Health \(Scotland\) Act 1984 \(c. 36, SIF 85\), s. 127\(2\), Sch. 5](#)

31 Expenses. **U.K.**

There shall be defrayed out of moneys provided by Parliament any expenses incurred [^{F4}by the Lord Chancellor under Schedule 5 to this Act or] by a Secretary of State under or by virtue of this Act—

- (a) by way of administrative expenses ^{F5}. . . ; or
- (b) in connection with the removal of any person from the United Kingdom under Schedule 2 or 3 to this Act or the departure with him of his dependants, or his or their maintenance pending departure; or
- ^{F6}(c)
- (d) on the making of any grants or payments under section 23 or 29 above.

Textual Amendments

- F4** Words inserted by [S.I. 1987/465, art. 3\(1\)\(4\)](#)
- F5** Words repealed by [British Nationality Act 1981 \(c. 61\), s. 52\(7\), Sch. 9](#)
- F6** [S. 31\(c\)](#) repealed by [S.I. 1987/465, art. 3\(1\)\(4\)](#)

VALID FROM 22/05/2000

[^{F7}31A Procedural requirements as to applications. **U.K.**

- (1) If a form is prescribed for a particular kind of application under this Act, any application of that kind must be made in the prescribed form.
- (2) If procedural or other steps are prescribed in relation to a particular kind of application under this Act, those steps must be taken in respect of any application of that kind.
- (3) “Prescribed” means prescribed in regulations made by the Secretary of State.
- (4) The power to make regulations under this section is exercisable by statutory instrument.
- (5) Any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

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Textual Amendments

- F7** S. 31A inserted (22.5.2000 for certain purposes, otherwise prosp.) by 1999 c. 33, ss. 165, 170(4); S.I. 2000/1282, art. 2, Sch.

32 General provisions as to Orders in Council, etc. **U.K.**

- (1) Any power conferred by Part I of this Act to make an Order in Council or order (other than a deportation order) or to give any directions includes power to revoke or vary the Order in Council, order or directions.
- (2) Any document purporting to be an order, notice or direction made or given by the Secretary of State for the purposes of this Act and to be signed by him or on his behalf, and any document purporting to be a certificate of the Secretary of State so given and to be signed by him, shall be received in evidence, and shall, until the contrary is proved, be deemed to be made or issued by him.
- (3) Prima facie evidence of any such order, notice, direction or certificate as aforesaid may, in any legal proceedings or proceedings under Part II of this Act, be given by the production of a document bearing a certificate purporting to be signed by or on behalf of the Secretary of State and stating that the document is a true copy of the order, notice, direction or certificate.
- (4) Where an order under section 8(2) above applies to persons specified in a schedule to the order, or any directions of the Secretary of State given for the purposes of this Act apply to persons specified in a schedule to the directions, prima facie evidence of the provisions of the order or directions other than the schedule and of any entry contained in the schedule may, in any legal proceedings or proceedings under Part II of this Act, be given by the production of a document purporting to be signed by or on behalf of the Secretary of State and stating that the document is a true copy of the said provisions and of the relevant entry.

Modifications etc. (not altering text)

- C2** S. 32 extended (with modifications)(1.8.1993) by S.I. 1993/1796 art 3(1), Sch. 1 Pt.I (Guernsey), 1993/1797 art. 3(1), Sch. 1 Pt.I (Jersey)

33 Interpretation. **U.K.**

- (1) For purposes of this Act, except in so far as the context otherwise requires—
 - “aircraft” includes hovercraft, “airport” includes hoverport and “port” includes airport;
 - “captain” means master (of a ship) or commander (of an aircraft);
 - “certificate of [^{F8}entitlement]” means such a certificate as is referred to in section 3(9) above;
 - ^{F9} . . .
 - “crew”, in relation to a ship or aircraft, means all persons actually employed in the working or service of the ship or aircraft, including the captain, and “member of the crew” shall be construed accordingly;

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“entrant” means a person entering or seeking to enter the United Kingdom, and “illegal entrant” means a person unlawfully entering or seeking to enter in breach of a deportation order or of the immigration laws, and includes also a person who has so entered;

“entry clearance” means a visa, entry certificate or other document which, in accordance with the immigration rules, is to be taken as evidence [^{F10}or the requisite evidence] of a person’s eligibility, though not [^{F11}a British citizen], for entry into the United Kingdom (but does not include a work permit);

“immigration laws” means this Act and any law for purposes similar to this Act which is for the time being or has (before or after the passing of this Act) been in force in any part of the United Kingdom and Islands;

“immigration rules” means the rules for the time being laid down as mentioned in section 3(2) above;

“the Islands” means the Channel Islands and the Isle of Man, and “the United Kingdom and Islands” means the United Kingdom and the Islands taken together;

“legally adopted” means adopted in pursuance of an order made by any court in the United Kingdom and Islands or by any adoption specified as an overseas adoption by order of the Secretary of State under [^{F12}section 4 of the ^{M1}Adoption Act 1968][^{F12}section 72(2) of the ^{M2}Adoption Act 1976];

“limited leave” and “indefinite leave” mean respectively leave under this Act to enter or remain in the United Kingdom which is, and one which is not, limited as to duration;

“settled” shall be construed in accordance [^{F13}with subsection (2A) below;]

“ship” includes every description of vessel used in navigation;

^{F9} . . .

[^{F14}“United Kingdom passport” means a current passport issued by the Government of the United Kingdom, or by the Lieutenant-Governor of any of the Islands, or by the Government of any territory which is for the time being a dependent territory within the meaning of the ^{M3}British Nationality Act 1981;]

“work permit” means a permit indicating, in accordance with the immigration rules, that a person named in it is eligible, though not [^{F11}a British citizen], for entry into the United Kingdom for the purpose of taking employment.

- (2) It is hereby declared that, except as otherwise provided in this Act, a person is not to be treated for the purposes of any provision of this Act as ordinarily resident in the United Kingdom or in any of the Islands at a time when he is there in breach of the immigration laws.
- [^{F15}(2A) Subject to section 8(5) above, references to a person being settled in the United Kingdom are references to his being ordinarily resident there without being subject under the immigration laws to any restriction on the period for which he may remain.]
- (3) The ports of entry for purposes of this Act, and the ports of exit for purposes of any Order in Council under section 3(7) above, shall be such ports as may from time to time be designated for the purpose by order of the Secretary of State made by statutory instrument.
- (4) For purposes of this Act an appeal under Part II shall, subject to any express provision to the contrary, be treated as pending during the period beginning when notice of appeal is duly given and ending when the appeal is finally determined or withdrawn;

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and [F16]an] appeal shall not be treated as finally determined so long as a further appeal can be brought by virtue of section 20 [F17]or section 9 of the Asylum and Immigration Appeals Act 1993] nor, if such an appeal is duly brought, until it is determined or withdrawn.

- (5) This Act shall not be taken to supersede or impair any power exercisable by Her Majesty in relation to aliens by virtue of Her prerogative.

Textual Amendments

- F8** Word substituted by [British Nationality Act 1981 \(c. 61\), s. 52\(7\), Sch. 4 para. 3\(2\)](#)
- F9** Definitions of "Concessionaires" and "tunnel system" repealed (2.8.1993) by [S.I. 1993/1813, arts. 9, 1, Sch. 6 Pt.I](#)
- F10** Words inserted by [Immigration Act 1988 \(c. 14, SIF 62\), s. 10, Sch. para. 5](#)
- F11** Words substituted by [British Nationality Act 1981 \(c. 61\), s. 52\(7\), Sch. 4 para. 2](#)
- F12** In s. 33(1) in the definition of "legally adopted" the words "section 72(2) of the Adoption Act 1976" substituted (E.W.) for the words "section 4 of the Adoption Act 1968" by [Adoption Act 1976 \(c. 36\), s. 73\(2\), Sch. 3 Pt. I para. 17](#)
- F13** Words substituted by [British Nationality Act 1981 \(c. 61\), s. 52\(7\), Sch. 4 para. 7\(a\)\(i\)](#)
- F14** Definition inserted by [British Nationality Act 1981 \(c. 61\), s. 52\(7\), Sch. 4 para. 7\(a\)\(ii\)](#)
- F15** [S. 33\(2A\)](#) inserted by [British Nationality Act 1981 \(c. 61\), s. 52\(7\), Sch. 4 para. 7\(b\)](#)
- F16** Words in [s. 33\(4\)](#) substituted (26.7.1993) by [1993 c. 23, s. 9\(5\)\(a\); S.I. 1993, art. 2](#)
- F17** Words in [s. 33\(4\)](#) inserted (26.7.1993) by [1993 c. 23, s. 9\(5\)\(b\); S.I. 1993/1655, art. 2](#)

Modifications etc. (not altering text)

- C3** [S. 33](#) modified (2.8.1993) by [S.I. 1993/1813, arts. 7\(1\), 1, Sch. 4 para. 1\(10\)](#)(as amended (1.12.1997) by [S.I. 1994/1405, art. 8, Sch. 4 para.11](#) Table)
[S. 33](#) extended (with modifications)(1.8.1993) by [S.I. 1993/1796 art 3\(1\), Sch. 1 Pt.I \(Guernsey\), 1993/1797 art. 3\(1\), Sch. 1 Pt.I \(Jersey\)](#)

Marginal Citations

- M1** 1968 c. 53.
M2 1976 c. 36.
M3 1981 c. 61.

34 Repeal, transitional and temporary. **U.K.**

- (1) Subject to the following provisions of this section, the enactments mentioned in Schedule 6 to this Act are hereby repealed, as from the coming into force of this Act, to the extent mentioned in column 3 of the Schedule; and—
- (a) this Act, as from its coming into force, shall apply in relation to entrants or others arriving in the United Kingdom at whatever date before or after it comes into force; and
- (b) after this Act comes into force anything done under or for the purposes of the former immigration laws shall have effect, in so far as any corresponding action could be taken under or for the purposes of this Act, as if done by way of action so taken, and in relation to anything so done this Act shall apply accordingly.
- (2) Without prejudice to the generality of subsection (1)(a) and (b) above, a person refused leave to land by virtue of the ^{M4}Aliens Restriction Act 1914 shall be treated as having been refused leave to enter under this Act, and a person given leave to land by virtue

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of that Act shall be treated as having been given leave to enter under this Act; and similarly with the ^{M5M6}Commonwealth Immigrants Acts 1962 and 1968.

(3) A person treated in accordance with subsection (2) above as having leave to enter the United Kingdom—

- (a) shall be treated as having an indefinite leave, if he is not at the coming into force of this Act subject to a condition limiting his stay in the United Kingdom; and
- (b) shall be treated, if he is then subject to such a condition, as having a limited leave of such duration, and subject to such conditions (capable of being attached to leave under this Act), as correspond to the conditions to which he is then subject, but not to conditions not capable of being so attached.

This subsection shall have effect in relation to any restriction or requirement imposed by Order in Council under the ^{M7}Aliens Restriction Act 1914 as if it had been imposed by way of a landing condition.

(4) Notwithstanding anything in the foregoing provisions of this Act, the former immigration laws shall continue to apply, and this Act shall not apply,—

- (a) in relation to the making of deportation orders and matters connected therewith in any case where a decision to make the order has been notified to the person concerned before the coming into force of this Act;
- (b) in relation to removal from the United Kingdom and matters connected therewith (including detention pending removal or pending the giving of directions for removal) in any case where a person is to be removed in pursuance of a decision taken before the coming into force of this Act or in pursuance of a deportation order to the making of which paragraph (a) above applies;
- (c) in relation to appeals against any decision taken or other thing done under the former immigration laws, whether taken or done before the coming into force of this Act or by virtue of this subsection.

(5) Subsection (1) above shall not be taken as empowering a court on appeal to recommend for deportation a person whom the court below could not recommend for deportation, or as affecting any right of appeal in respect of a recommendation for deportation made before this Act comes into force, or as enabling a notice given before this Act comes into force and not complying with section 6(2) to take the place of the notice required by section 6(2) to be given before a person is recommended for deportation.

(6) So long as section 2 of the ^{M8}Southern Rhodesia Act 1965 remains in force, this Act shall have effect subject to such provision as may (before or after this Act comes into force) be made by Order in Council under and for the purposes of that section.

Marginal Citations

- M4** 1914 c. 12.
- M5** 1962 c. 21.
- M6** 1968 c. 9.
- M7** 1914 c. 12.
- M8** 1965 c. 76.

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35 Commencement, and interim provisions. **U.K.**

- (1) Except as otherwise provided by this Act, Parts I to III of this Act shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument; and references to the coming into force of this Act shall be construed as references to the beginning of the day so appointed.
- (2) Section 25 above, except section 25(2), and section 28 in its application to offences under section 25(1) shall come into force at the end of one month beginning with the date this Act is passed.
- (3) **F18**

Subordinate Legislation Made

P1 1.1.1973 appointed under s. 35(1) by [S.I. 1972/1514](#)

Textual Amendments

F18 S. 35(3)–(5) repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. XIII](#)

36 Power to extend to Islands. **U.K.**

Her Majesty may by Order in Council direct that any of the provisions of this Act shall extend, with such exceptions, adaptations and modifications, if any, as may be specified in the Order, to any of the Islands; and any Order in Council under this subsection may be varied or revoked by a further Order in Council.

Modifications etc. (not altering text)

- C4** S. 36 applied by [Immigration \(Carriers' Liability\) Act 1987 \(c. 24, SIF 62\)](#), [s. 2\(3\)](#) and by [Immigration Act 1988 \(c.14, SIF 62\)](#), [s. 12\(5\)](#)
- C5** S. 36 extended by [British Nationality Act 1981 \(c. 61\)](#), [s. 53\(5\)\(7\)](#)

37 Short title and extent. **U.K.**

- (1) This Act may be cited as the Immigration Act 1971.
- (2) It is hereby declared that this Act extends to Northern Ireland, and (without prejudice to any provision of Schedule 1 to this Act as to the extent of that Schedule) where an enactment repealed by this Act extends outside the United Kingdom, the repeal shall be of like extent.

Modifications etc. (not altering text)

C6 S. 37 extended (with modifications) (1.8.1993) by [S.I. 1993/1796](#), art. 3(1), Sch. 1 Pt. I (Guernsey), [S.I. 1993/1797](#), art. 3(1), Sch. 1 Pt. I (Jersey) (as amended (17.10.2012) by [S.I. 2012/2593](#), arts. 1, [2\(2\)](#))

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