



# Immigration Act 1971

## 1971 CHAPTER 77

### PART I

#### REGULATION OF ENTRY INTO AND STAY IN UNITED KINGDOM

VALID FROM 14/02/2000

#### **[<sup>F1</sup>3A Further provision as to leave to enter.**

- (1) The Secretary of State may by order make further provision with respect to the giving, refusing or varying of leave to enter the United Kingdom.
- (2) An order under subsection (1) may, in particular, provide for—
  - (a) leave to be given or refused before the person concerned arrives in the United Kingdom;
  - (b) the form or manner in which leave may be given, refused or varied;
  - (c) the imposition of conditions;
  - (d) a person's leave to enter not to lapse on his leaving the common travel area.
- (3) The Secretary of State may by order provide that, in such circumstances as may be prescribed—
  - (a) an entry visa, or
  - (b) such other form of entry clearance as may be prescribed,is to have effect as leave to enter the United Kingdom.
- (4) An order under subsection (3) may, in particular—
  - (a) provide for a clearance to have effect as leave to enter—
    - (i) on a prescribed number of occasions during the period for which the clearance has effect;
    - (ii) on an unlimited number of occasions during that period;
    - (iii) subject to prescribed conditions; and

*Status: Point in time view as at 01/11/1996. This version of this provision is not valid for this point in time.*

*Changes to legislation: Immigration Act 1971, Section 3A is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) provide for a clearance which has the effect referred to in paragraph (a)(i) or (ii) to be varied by the Secretary of State or an immigration officer so that it ceases to have that effect.
- (5) Only conditions of a kind that could be imposed on leave to enter given under section 3 may be prescribed.
- (6) In subsections (3), (4) and (5) “prescribed” means prescribed in an order made under subsection (3).
- (7) The Secretary of State may, in such circumstances as may be prescribed in an order made by him, give or refuse leave to enter the United Kingdom.
- (8) An order under subsection (7) may provide that, in such circumstances as may be prescribed by the order, paragraphs 2, 4, 6, 7, 8, 9 and 21 of Part I of Schedule 2 to this Act are to be read, in relation to the exercise by the Secretary of State of functions which he has as a result of the order, as if references to an immigration officer included references to the Secretary of State.
- (9) Subsection (8) is not to be read as affecting any power conferred by subsection (10).
- (10) An order under this section may—
- (a) contain such incidental, supplemental, consequential and transitional provision as the Secretary of State considers appropriate; and
  - (b) make different provision for different cases.
- (11) This Act and any provision made under it has effect subject to any order made under this section.
- (12) An order under this section must be made by statutory instrument.
- (13) But no such order is to be made unless a draft of the order has been laid before Parliament and approved by a resolution of each House.]

#### **Textual Amendments**

**F1** S. 3A inserted (14.2.2000) by 1999 c. 33, ss. 1, 169(2), Sch. 15 para. 1(1); S.I. 2000/168, art. 2, Sch. (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)

#### **Modifications etc. (not altering text)**

**C1** Ss. 3-3B extended (14.12.2001) by 2001 c. 24, ss. 22(2)(a)(3), 127(2)

**Status:**

Point in time view as at 01/11/1996. This version of this provision is not valid for this point in time.

**Changes to legislation:**

Immigration Act 1971, Section 3A is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.