

These notes refer to the Nationality, Immigration and Asylum Act 2002 (c.41) which received Royal Assent on 7 November 2002

NATIONALITY, IMMIGRATION AND ASYLUM ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Nationality

Section 6: Nationality decision: discrimination

42. **Section 6** repeals the exemption from the general prohibition on discrimination in section 19B of the Race Relations Act 1976 (“the 1976 Act”) (as amended by the Race Relations (Amendment) Act 2000), in so far as it applies to discrimination on the grounds of nationality, ethnic or national origins in the exercise of nationality functions. The “nationality functions” are functions exercisable by virtue of the BNA 1981, the British Nationality (Falkland Islands) Act 1983, the British Nationality (Hong Kong) Act 1990, the Hong Kong (War Wives and Widows) Act 1996 and the British Nationality (Hong Kong) Act 1997.
43. Subsection (2) removes “nationality functions” from the scope of the exemption in subsection 19D(1) of the 1976 Act.
44. Subsection (3) inserts into section 19D of the 1976 Act new definitions of “immigration functions” and “Immigration Acts”, consequent upon the removal from that section of references to nationality functions and statutes relating to nationality.
45. Subsection (4) removes references to nationality functions from provisions in section 19E of the 1976 Act relating to the review by the Race Monitor of the use of the exemptions from discrimination, since this is made redundant by the other provisions in this section.
46. Subsection (5) adds a new subsection (1A) to section 71A of the 1976 Act, defining “immigration and nationality functions” for the purpose of that section. The effect is to maintain the present exemption from the duty, under section 71(1)(b) of the Act, to promote equality of opportunity in relation to the carrying out of such functions.