



Nationality, Immigration and Asylum Act 2002

2002 CHAPTER 41

PART 6

IMMIGRATION PROCEDURE

Disclosure of information by public authority

129 Local authority

- (1) The Secretary of State may require a local authority to supply information for the purpose of establishing where a person is if the Secretary of State reasonably suspects that—
 - (a) the person has committed an offence under section 24(1)(a), (b), (c), (e) or (f), 24A(1) or 26(1)(c) or (d) of the Immigration Act 1971 (c. 77) (illegal entry, deception, &c.), and
 - (b) the person is or has been resident in the local authority's area.
- (2) A local authority shall comply with a requirement under this section.
- (3) In the application of this section to England and Wales "local authority" means—
 - (a) a county council,
 - (b) a county borough council,
 - (c) a district council,
 - (d) a London borough council,
 - (e) the Common Council of the City of London, and
 - (f) the Council of the Isles of Scilly.
- (4) In the application of this section to Scotland "local authority" means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39).
- (5) In the application of this section to Northern Ireland—

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- (a) a reference to a local authority shall be taken as a reference to the Northern Ireland Housing Executive, and
- (b) the reference to a local authority's area shall be taken as a reference to Northern Ireland.

F¹130 Inland Revenue

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Textual Amendments

- F1** S. 130 repealed (31.1.2008) by [UK Borders Act 2007 \(c. 30\)](#), ss. 40(6)(b), 59(2), [Sch.](#); S.I. 2008/99, art. 2(m)(n)

131 Police, &c.

Information may be supplied under section 20 of the Immigration and Asylum Act 1999 (c. 33) (supply of information to Secretary of State) for use for the purpose of ^{F²}—

- (a) determining whether an applicant for naturalisation under the British Nationality Act 1981 is of good character;
- ^{F³}(b) determining whether, for the purposes of an application referred to in section 41A of the British Nationality Act 1981, the person for whose registration the application is made is of good character;
- (ba) determining whether, for the purposes of an application under section 1 of the Hong Kong (War Wives and Widows) Act 1996, the woman for whose registration the application is made is of good character;
- (bb) determining whether, for the purposes of an application under section 1 of the British Nationality (Hong Kong) Act 1997 for the registration of an adult or young person within the meaning of subsection (5A) of that section, the person is of good character;]
- (c) determining whether to make an order in respect of a person under section 40 of the British Nationality Act 1981.]

Textual Amendments

- F2** S. 131(a)-(c) substituted for words (31.1.2008) by [UK Borders Act 2007 \(c. 30\)](#), ss. 43, 59(2); S.I. 2008/99, art. 2(m)
- F3** S. 131(b)(ba)(bb) substituted for s. 131(b) (13.1.2010) by [Borders, Citizenship and Immigration Act 2009 \(c. 11\)](#), ss. 47(4), 58(2); S.I. 2009/2731, art. 4(f)

132 Supply of document, &c. to Secretary of State

- (1) Section 20 of the Immigration and Asylum Act 1999 (supply of information to Secretary of State) shall be amended as follows.
- (2) After subsection (1) insert—
 - “(1A) This section also applies to a document or article which—

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- (a) comes into the possession of a person listed in subsection (1) or someone acting on his behalf, or
 - (b) is discovered by a person listed in subsection (1) or someone acting on his behalf.”
- (3) In subsection (2) after “information” insert “, document or article ”.
- (4) After subsection (2) insert—
- “(2A) The Secretary of State may—
- (a) retain for immigration purposes a document or article supplied to him under subsection (2), and
 - (b) dispose of a document or article supplied to him under subsection (2) in such manner as he thinks appropriate (and the reference to use in subsection (2) includes a reference to disposal).”
- (5) In subsection (6) after “information” insert “, documents or articles ”.

133 Medical inspectors

- (1) This section applies to a person if an immigration officer acting under Schedule 2 to the Immigration Act 1971 (c. 77) (control on entry, &c.) has brought the person to the attention of—
- (a) a medical inspector appointed under paragraph 1(2) of that Schedule, or
 - (b) a person working under the direction of a medical inspector appointed under that paragraph.
- (2) A medical inspector may disclose to a health service body—
- (a) the name of a person to whom this section applies,
 - (b) his place of residence in the United Kingdom,
 - (c) his age,
 - (d) the language which he speaks,
 - (e) the nature of any disease with which the inspector thinks the person may be infected,
 - (f) relevant details of the person’s medical history,
 - (g) the grounds for an opinion mentioned in paragraph (e) (including the result of any test or examination which has been carried out), and
 - (h) the inspector’s opinion about action which the health service body should take.
- (3) A disclosure may be made under subsection (2) only if the medical inspector thinks it necessary for the purpose of—
- (a) preventative medicine,
 - (b) medical diagnosis,
 - (c) the provision of care or treatment, or
 - (d) the management of health care services.
- (4) For the purposes of this section “health service body” in relation to a person means a body which carries out functions in an area which includes his place of residence and which is—
- (a) in relation to England—
[^{F4}(ai) the Secretary of State,]

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- ^{F5}(i)
- [^{F6}(ia) the National Health Service Commissioning Board,
 (ib) a clinical commissioning group established under section 14D of the National Health Service Act 2006,
 (ic) a local authority in relation to the exercise of functions under section 2B or 111 of, or any of paragraphs 1 to 7B or 13 of Schedule 1 to, the National Health Service Act 2006,]
 (ii) a National Health Service Trust established under [^{F7}section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006],
 [^{F8}(ia) an NHS foundation trust,]
^{F9}(iii)
^{F10}(iv) ^{F11}
^{F11}(v) ^{F12}
^{F12}(vi)
- (b) in relation to Wales—
 [^{F13}(i) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006,][^{F14}or]
 (ii) a National Health Service Trust established under [^{F15}section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006], ^{F16}
 (iii) ^{F16} ^{F10}
^{F10}(iv)
- (c) in relation to Scotland—
 [^{F17}(ai) the Secretary of State,]
 (i) a Health Board, Special Health Board or National Health Service Trust established under section 2 or 12A of the National Health Service (Scotland) Act 1978 (c. 29), ^{F18}
 (ii) the Common Services Agency for the Scottish Health Service established under section 10 of that Act, or
 [^{F19}(ia) Healthcare Improvement Scotland established under section 10A of the 1978 Act,][^{F20}or]
^{F21}(iii)
- (d) in relation to Northern Ireland—
 (i) a Health and Social Services Board established under the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14)),
 (ii) a Health and Social Services trust established under the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1)), ^{F22}
 [^{F23}(ia) the Regional Agency for Public Health and Social Well-being established under section 12 of the Health and Social Care (Reform) Act (Northern Ireland) 2009, or]
 (iii) the Department of Health, Social Services and Public Safety ^{F24}
^{F24}(iv)

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Textual Amendments

- F4** S. 133(4)(ai) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 7 para. 12(2)(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F5** S. 133(4)(a)(i) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 107(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F6** S. 133(4)(a)(ia)-(ic) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 107(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F7** Words in s. 133(4)(a)(ii) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8, **Sch. 1 para. 228(b)** (with Sch. 3 Pt. 1)
- F8** S. 133(4)(a)(iia) inserted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 34, 199, **Sch. 4 para. 128**; S.I. 2004/759, **art. 2**
- F9** S. 133(4)(a)(iii) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 107(c)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F10** S. 133(4)(b)(iv) and word omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 7 para. 12(3)(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F11** S. 133(4)(a)(v) and preceding word repealed (1.4.2005) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 190, 196, 199, Sch. 13 para. 12(a), **Sch. 14 Pt. 7**; S.I. 2005/457, **art. 2**
- F12** S. 133(4)(a)(vi) and word omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 7 para. 12(2)(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F13** S. 133(4)(b)(i) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8, **Sch. 1 para. 228(e)** (with Sch. 3 Pt. 1)
- F14** Word in s. 133(4)(b) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 7 para. 12(3)(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F15** Words in s. 133(4)(b)(ii) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8, **Sch. 1 para. 228(f)** (with Sch. 3 Pt. 1)
- F16** S. 133(4)(b)(iii) and preceding word repealed (1.4.2005) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 190, 196, 199, Sch. 13 para. 12(b), **Sch. 14 Pt. 7**; S.I. 2005/457, **art. 2**
- F17** S. 133(4)(c)(ai) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 7 para. 12(4)(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F18** Word in s. 133(4)(c) repealed (1.4.2005) by Health Protection Agency Act 2004 (c. 17), ss. 11, 12, Sch. 3 para. 17(4)(a), **Sch. 4**; S.I. 2005/121, **art. 2(2)**
- F19** S. 133(4)(c)(iia) inserted (28.10.2011) by The Public Services Reform (Scotland) Act 2010 (Consequential Modifications of Enactments) Order 2011 (S.I. 2011/2581), **Sch. 2 para. 5**
- F20** Word in s. 133(4)(c) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 7 para. 12(4)(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F21** S. 133(4)(c)(iii) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 7 para. 12(4)(c)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F22** Word in s. 133(4)(d) repealed (1.4.2005) by Health Protection Agency Act 2004 (c. 17), ss. 11, 12, Sch. 3 para. 17(5)(a), **Sch. 4**; S.I. 2005/121, **art. 2(2)**
- F23** S. 133(4)(d)(iia) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 7 para. 12(5)(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F24** S. 133(4)(d)(iv) and word omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 7 para. 12(5)(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

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