

*Status: Point in time view as at 01/04/2015.*

*Changes to legislation: Nationality, Immigration and Asylum Act 2002, Paragraph 1 is up to date with all changes known to be in force on or before 09 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)*

## SCHEDULES

### SCHEDULE 3

#### WITHHOLDING AND WITHDRAWAL OF SUPPORT

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

- C1** Sch. 3 applied (with modifications) (25.2.2008) by [The Independent Police Complaints Commission \(Immigration and Asylum Enforcement Functions\) Regulations 2008 \(S.I. 2008/212\)](#), regs. 1, 5(b), **Sch. 2**

##### *Ineligibility for support*

- 1 (1) A person to whom this paragraph applies shall not be eligible for support or assistance under—
- (a) section 21 or 29 of the National Assistance Act 1948 (c. 29) (local authority: accommodation and welfare),
  - (b) section 45 of the Health Services and Public Health Act 1968 (c. 46) (local authority: welfare of elderly),
  - (c) section 12 or 13A of the Social Work (Scotland) Act 1968 (c. 49) (social welfare services),
  - (d) Article 7 or 15 of the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14)) (prevention of illness, social welfare, &c.),
  - [<sup>F1</sup>(e) <sup>F2</sup>... section 192 of, and Schedule 15 to, the National Health Service (Wales) Act 2006 (social services),]
  - (f) section 29(1)(b) of the Housing (Scotland) Act 1987 (c. 26) (interim duty to accommodate in case of apparent priority need where review of a local authority decision has been requested),
  - (g) section 17, 23C, [<sup>F3</sup>23CA,] 24A or 24B of the Children Act 1989 (c. 41) (welfare and other powers which can be exercised in relation to adults),
  - (h) Article 18, 35 or 36 of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)) (welfare and other powers which can be exercised in relation to adults),
  - (i) sections 22, 29 and 30 of the Children (Scotland) Act 1995 (c. 36) (provisions analogous to those mentioned in paragraph (g)),
  - (j) section 188(3) or 204(4) of the Housing Act 1996 (c. 52) (accommodation pending review or appeal),
  - (k) section 2 of the Local Government Act 2000 (c. 22) (promotion of well-being),
  - [<sup>F4</sup>(ka) section 1 of the Localism Act 2011 (local authority's general power of competence),]
  - (l) a provision of the Immigration and Asylum Act 1999 (c. 33), <sup>F5</sup>...
  - (m) a provision of this Act [<sup>F6</sup>, or

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- (n) Part 1 of the Care Act 2014 (care and support provided by local authority).]
- (2) A power or duty under a provision referred to in sub-paragraph (1) may not be exercised or performed in respect of a person to whom this paragraph applies (whether or not the person has previously been in receipt of support or assistance under the provision).
- (3) An approval or directions given under or in relation to a provision referred to in sub-paragraph (1) shall be taken to be subject to sub-paragraph (2).

#### Textual Amendments

- F1** Sch. 3 para. 1(1)(e) substituted (E.W.) (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), ss. 2, 8, Sch. 1 para. 229](#) (with Sch. 3 Pt. 1)
- F2** Words in Sch. 3 para. 1(1)(e) omitted (1.4.2015) by virtue of [The Care Act 2014 and Children and Families Act 2014 \(Consequential Amendments\) Order 2015 \(S.I. 2015/914\)](#), art. 1(2), **Sch. para. 67(2)** (with arts. 1(3), 3) (see S.I. 2015/993, art. 2(a))
- F3** Word in Sch. 3 para. 1(1)(g) inserted (1.4.2011 for E., 19.6.2012 in so far as not already in force) by [Children and Young Persons Act 2008 \(c. 23\), ss. 22\(6\), 44\(4\)](#); S.I. 2010/2981, art. 4(g); S.I. 2012/1553, art. 2(a)
- F4** Sch. 3 para. 1(1)(ka) inserted (28.3.2012) by [The Localism Act 2011 \(Consequential Amendments\) Order 2012 \(S.I. 2012/961\)](#), art. 1(2), **Sch. 1 para. 4**
- F5** Word in Sch. 3 para. 1(1)(l) omitted (1.4.2015) by virtue of [The Care Act 2014 and Children and Families Act 2014 \(Consequential Amendments\) Order 2015 \(S.I. 2015/914\)](#), art. 1(2), **Sch. para. 67(3)** (with arts. 1(3), 3) (see S.I. 2015/993, art. 2(a))
- F6** Sch. 3 para. 1(1)(n) and word inserted (1.4.2015) by [The Care Act 2014 and Children and Families Act 2014 \(Consequential Amendments\) Order 2015 \(S.I. 2015/914\)](#), art. 1(2), **Sch. para. 67(4)** (with arts. 1(3), 3) (see S.I. 2015/993, art. 2(a))

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