

*Status: This version of this provision is prospective.*

*Changes to legislation: Nationality, Immigration and Asylum Act 2002, Section 46 is up to date with all changes known to be in force on or before 11 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) View outstanding changes*



# Nationality, Immigration and Asylum Act 2002

## 2002 CHAPTER 41

### PART 3 **U.K.**

#### OTHER SUPPORT AND ASSISTANCE

PROSPECTIVE

#### **46 Section 44: supplemental: Scotland and Northern Ireland **U.K.****

- (1) The following shall be substituted for section 12(2B) of the Social Work (Scotland) Act 1968 (c. 49)(general social welfare services of local authorities – exclusion of destitute asylum seeker: interpretation)—

“(2B) Section 95(2) to (7) of that Act shall apply for the purposes of subsection (2A) of this section; and for that purpose a reference to the Secretary of State in section 95(4) or (5) shall be treated as a reference to a local authority.”

- (2) The following shall be substituted for section 13A(5) of that Act (provision of residential accommodation with nursing – exclusion of destitute asylum seeker: interpretation)—

“(5) Section 95(2) to (7) of that Act shall apply for the purposes of subsection (4) of this section; and for that purpose a reference to the Secretary of State in section 95(4) or (5) shall be treated as a reference to a local authority.”

- (3) The following shall be substituted for section 13B(4) of that Act (provision of care and after-care – exclusion of destitute asylum seeker: interpretation)—

“(4) Section 95(2) to (7) of that Act shall apply for the purposes of subsection (3) of this section; and for that purpose a reference to the Secretary of State in section 95(4) or (5) shall be treated as a reference to a local authority.”

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[<sup>F1</sup>(4) The following shall be substituted for article 14(2) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005 (mental health services provided by local authorities)—

“(2) Section 95(2) to (7) of the Immigration and Asylum Act 1999 shall apply for the purposes of paragraph (1); and for that purpose a reference to the Secretary of State in section 95(4) or (5) shall be treated as a reference to a local authority.”.]

(6) The following shall be substituted for Article 7(3A) of the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14)) (prevention of illness, care and after-care: exclusion of asylum-seeker: interpretation)—

“(3A) Section 95(2) to (7) of that Act shall apply for the purpose of paragraph (3); and for that purpose a reference to the Secretary of State in section 95(4) or (5) shall be treated as a reference to the Department.”

(7) The following shall be substituted for Article 15(7) of that Order (general social welfare: exclusion of destitute asylum-seeker: interpretation)—

“(7) Section 95(2) to (7) of that Act shall apply for the purpose of paragraph (6); and for that purpose a reference to the Secretary of State in section 95(4) or (5) shall be treated as a reference to [<sup>F2</sup>an HSC trust].”

#### Textual Amendments

- F1** S. 46(4) substituted (5.10.2005) for s. 46(4)(5) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), art. 15, **Sch. 1 para. 6**
- F2** Words in s. 46(7) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3 \(N.I.\)\)](#), s. 8(1)(b), **Sch. 1 para. 194(1)**; [S.R. 2022/102](#), **art. 2(b)**

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**Changes and effects yet to be applied to :**

- s. 46 repealed by 2016 c. 19 Sch. 11 para. 41(b)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket amendment words substituted by S.I. 2011/1043 art. 34

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18(1)(1A) substituted for s. 18(1) by 2016 c. 19 Sch. 11 para. 31(2)
- s. 22A inserted by 2022 c. 36 s. 13(7)
- s. 27(ba) inserted by 2022 c. 36 s. 13(10)
- s. 51(2)(d) and word inserted by 2016 c. 19 Sch. 11 para. 26(6)
- s. 55(2)(aa) inserted by 2016 c. 19 Sch. 11 para. 26(7)
- s. 62(3A) inserted by 2023 c. 37 s. 11(8)
- s. 80A(5A) inserted by 2023 c. 37 s. 10(8)
- s. 82A inserted by 2022 c. 36 s. 23(1)
- s. 94(6B) inserted by 2006 c. 13 s. 13
- s. 106(2)(ua) inserted by 2007 c. 30 s. 19(3)
- s. 107(2A) inserted by 2022 c. 36 Sch. 3 para. 5(a)
- s. 126(2A) inserted by S.I. 2019/745 reg. 12(3)(b) (This amendment not applied to legislation.gov.uk. Reg. 12(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- Sch. 3 para. 1(1)(ga) inserted by 2016 c. 19 Sch. 12 para. 2(2) (This Act is amended by S.I. 2020/1309, Sch. 1 para. 3(a))
- Sch. 3 para. 1(2A) inserted by 2016 c. 19 Sch. 12 para. 2(4) (This Act is amended by S.I. 2020/1309, Sch. 1 para. 3(b))
- Sch. 3 para. 1A inserted by 2016 c. 19 Sch. 12 para. 3
- Sch. 3 para. 2(1)(ca) inserted by 2016 c. 19 Sch. 12 para. 4(3)
- Sch. 3 para. 2A inserted by 2016 c. 19 Sch. 12 para. 5
- Sch. 3 para. 3A-3C inserted by 2016 c. 19 Sch. 12 para. 6
- Sch. 3 para. 7B7C and cross-headings inserted by 2016 c. 19 Sch. 12 para. 9
- Sch. 3 para. 10A10B inserted by 2016 c. 19 Sch. 12 para. 10 (This Act is amended by S.I. 2020/1309, Sch. 1 para. 3(c))
- Sch. 3 para. 15(aa) inserted by 2016 c. 19 Sch. 12 para. 14(2)
- Sch. 3 para. 15(d)-(f) inserted by 2016 c. 19 Sch. 12 para. 14(4)
- Sch. 3 para. 7C(1)(c) word substituted by S.I. 2019/745 reg. 12(5)(d) (This amendment not applied to legislation.gov.uk. Reg. 12(5)(a)(c)(d) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- Sch. 5 para. 3(1) Sch. 5 para. 3 renumbered as Sch. 5 para. 3(1) by 2005 c. 4 Sch. 4 para. 407(2) (This amendment not applied to legislation.gov.uk. The "original amending provision" is already fully in force, see Sch. 4 paras. 361, 407(5))
- Sch. 5 para. 3(2)-(4) inserted by 2005 c. 4 Sch. 4 para. 407(4) (This amendment not applied to legislation.gov.uk. The "original amending provision" is already fully in force, see Sch. 4 paras. 361, 407(5))

- Sch. 5 para. 3(1) words inserted by [2005 c. 4 Sch. 4 para. 407\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). The "original amending provision" is already fully in force, see Sch. 4 paras. 361, 407(5))