



Illegal Migration Act 2023

2023 CHAPTER 37

Legal proceedings

40 **Meaning of “serious and irreversible harm”** **U.K.**

- (1) The Secretary of State may by regulations amend section 39 to make provision about the meaning of “serious and irreversible harm” for the purposes of this Act.
- (2) Regulations under subsection (1) may in particular—
 - (a) define any aspect of serious and irreversible harm;
 - (b) give examples of what is or is not to be treated as serious and irreversible harm.
- (3) Regulations under subsection (1) may not amend subsection (4) of section 39 to remove any example of serious and irreversible harm which is listed in that subsection when this Act is passed.
- (4) Regulations under subsection (1) may make consequential amendments to this Act.

Commencement Information

- II** S. 40 in force at Royal Assent for specified purposes, see **s. 68(4)(i)**

Changes to legislation:

Illegal Migration Act 2023, Section 40 is up to date with all changes known to be in force on or before 10 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.

[View outstanding changes](#)

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

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

- s. 32(1)(ba) inserted by [2024 c. 19 s. 1\(5\)](#)