

2008 No. 1818 (C. 77)

IMMIGRATION

**The UK Borders Act 2007 (Commencement No. 3 and
Transitional Provisions) Order 2008**

Made - - - -

8th July 2008

The Secretary of State makes the following Order in exercise of the powers conferred by section 59(2) to (4) of the UK Borders Act 2007(a).

Citation and interpretation

1. This Order may be cited as the UK Borders Act 2007 (Commencement No. 3 and Transitional Provisions) Order 2008.

Commencement

2. The following provisions of the UK Borders Act 2007 shall come into force on 1st August 2008—

- (a) the provisions set out in the Schedule to this Order in respect of a person to whom Condition 1 (within the meaning of section 32 of that Act) applies; and
- (b) section 39 (consequential amendments).

Transitional provisions

3.—(1) Subject to paragraph (2), section 32 applies, to the extent to which it is commenced in article 2(a), to persons convicted before the passing of that Act who are in custody at the time of commencement or whose sentences are suspended at the time of commencement.

(2) Paragraph (1) does not apply to a person who has been served with a notice of a decision to make a deportation order under section 5 of the Immigration Act 1971(b) before 1st August 2008.

Home Office
8th July 2008

Liam Byrne
Minister of State

(a) 2007 c.30.
(b) 1971 c.77.

SCHEDULE

Section

Section 32 (automatic deportation)
Section 33 (exceptions)
Section 34 (timing)
Section 35 (appeal)
Section 36 (detention)
Section 37 (family)
Section 38 (interpretation)

EXPLANATORY NOTE

(This note is not part of the Regulations)

This Order brings into force the automatic deportation provisions of the UK Borders Act 2007 to the extent specified in the Order. The provisions set out in the Schedule (sections 32 to 38 and section 39 (interpretation)) shall come into force on the 1st August 2008 in respect of a person to whom Condition 1 in section 32 applies. This means that the automatic deportation provisions are commenced in respect of those foreign criminals who have been sentenced to a period of imprisonment of at least 12 months. Section 32 is subject to the transitional provision in article 3 which applies section 32 (as commenced) to those in custody at the time of commencement or whose sentences are suspended. This is provided such a person has not been served with a notice of a decision to make a deportation order under section 5 of the Immigration Act 1971 before commencement.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the UK Borders Act 2007 have been brought into force by commencement order made before the date of this Order.

<i>Provision</i>	<i>Date Commencement</i>	<i>of S.I. No.</i>
Sections 1 to 4 (detention at ports)	31.01.2008	S.I. 2008/99
Sections 5 to 8 (biometric registration)	31.01.2008	S.I. 2008/99
Section 10 (biometric registration: objection to penalty) (partially)	31.01.2008	S.I. 2008/99
Section 11 (biometric registration: appeal in respect of penalty) (partially)	31.01.2008	S.I. 2008/99
Section 13 (biometric registration: code of practice regarding penalty) (partially)	31.01.2008	S.I. 2008/99
Sections 14 and 15 (biometric registration: prescribed matters and interpretation)	31.01.2008	S.I. 2008/99
Section 16 (conditional leave to enter or remain)	31.01.2008	S.I. 2008/99
Section 18 (support for asylum-seekers: enforcement)	31.01.2008	S.I. 2008/99
Section 20 (fees)	31.01.2008	S.I. 2008/99
Sections 22 and 23 (assaulting an immigration officer)	31.01.2008	S.I. 2008/99

officer: offence and power of arrest)		
Section 25 (forfeiture of detained property)	29.02.2008	S.I. 2008/309
Section 26 (disposal of property)	31.01.2008 and 01.04.2008	S.I. 2008/99
Sections 27 and 28 (employment: arrest and search for personnel records)	29.02.2008	S.I. 2008/309
Sections 29 to 31 (facilitation and trafficking)	31.01.2008	S.I. 2008/99
Sections 40 to 43 (supply and wrongful disclosure of information)	31.01.2008	S.I. 2008/99
Sections 44 to 47 (search for evidence of nationality and seizure of nationality documents)	29.02.2008	S.I. 2008/309
Sections 48 to 50 (Border and Immigration Inspectorate: appointment, office and reports)	01.04.2008	S.I. 2008/309
Section 51 (Border and Immigration Inspectorate: plans) (partially)	01.04.2008	S.I. 2008/309
Sections 52 and 53 (Border and Immigration Inspectorate: relationship with other bodies) (partially)	01.04.2008	S.I. 2008/309
Section 54 (Border and Immigration Inspectorate: abolition of other bodies)	01.04.2008	S.I. 2008/309
Section 55 (Border and Immigration Inspectorate: prescribed matters)	01.04.2008	S.I. 2008/309
Section 56 (Border and Immigration Inspectorate: Senior President of Tribunals)	01.04.2008	S.I. 2008/309
Schedule	31.01.2008 and 01.04.2008	S.I. 2008/309

STATUTORY INSTRUMENTS

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