

**2021 No. 1007**

**IMMIGRATION**

**The Immigration (Disposal of Property) (Amendment)  
Regulations 2021**

<i>Made</i>	- - - -	<i>7th September 2021</i>
<i>Laid before Parliament</i>		<i>9th September 2021</i>
<i>Coming into force</i>	- -	<i>1st October 2021</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 26(5) and 26(6) of the UK Borders Act 2007(a).

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Immigration (Disposal of Property) (Amendment) Regulations 2021 and come into force on 1st October 2021.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

**Amendments to the Immigration (Disposal of Property) Regulations 2008**

2. Regulation 5 of the Immigration (Disposal of Property) Regulations 2008(b) (sale of property) is amended as follows—

- (a) in the title, after “sale” insert “or disposal of”;
- (b) in paragraph (1), after “sold” insert “or disposed of in accordance with paragraph (2A)”;
- (c) in paragraph (2), after “sold” insert “, or disposed of in accordance with paragraph (2A),”;
- (d) after paragraph (2) insert—

“(2A) Disposal of property under paragraph (1) or (2) means—

- (a) its destruction, including by way of recycling;
- (b) its donation to charities or other not-for-profit bodies.”.

7th September 2021

*Chris Philp*  
Parliamentary Under-Secretary of State  
Home Office

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(a) 2007 c. 30.

(b) S.I. 2008/786, amendments made previously are not relevant to these Regulations.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Immigration (Disposal of Property) Regulations 2008 (S.I. 2008/786) (“the 2008 Regulations”).

The 2008 Regulations enable the Secretary of State to sell, dispose of or retain property, and regulation 3 of those Regulations makes provision about the property to which those Regulations apply. Regulation 5(1) and (2) of the 2008 Regulations provides for the sale of property other than money after the expiration of the relevant periods referred to in regulation 4 of those Regulations. Under regulation 5(2), property may be sold at any time if it is a perishable article or its custody involves an unreasonable expense or inconvenience. Regulation 2(b) and (c) of these Regulations amends regulation 5(1) and (2) of the 2008 Regulations so that, in addition to allowing the sale of property, the property may be disposed of in accordance with regulation 5(2A) (as inserted by regulation 2(d) of these Regulations).

Regulation 2(d) inserts a new regulation 5(2A) into the 2008 Regulations which provides that property can be destroyed (defined as including by way of recycling) or donated to a charity or to a not-for-profit body.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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