
STATUTORY INSTRUMENTS

2023 No. 1130 (C. 74)

IMMIGRATION

**The Nationality and Borders Act 2022 (Commencement
No. 7 and Transitional Provisions) Regulations 2023**

Made - - - - 25th October 2023

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 84(1) and 87(1) and (2) of the Nationality and Borders Act 2022⁽¹⁾.

Citation, interpretation and extent

1.—(1) These Regulations may be cited as the Nationality and Borders Act 2022 (Commencement No. 7 and Transitional Provisions) Regulations 2023.

(2) In these Regulations, “the 2022 Act” means the Nationality and Borders Act 2022.

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

Provision coming into force on 20th November 2023

2. The following provisions of the 2022 Act come into force on 20th November 2023—

(a) section 46(1) to (5) (removals: notice requirements);

(b) section 46(7), except to the extent section 46(7) inserts section 10D(1) to (7) into the Immigration and Asylum Act 1999⁽²⁾;

(c) section 52 (use of scientific methods in age assessments), so far as not already in force.

Transitional provision in relation to section 46 of the 2022 Act

3. Section 46 of the 2022 Act (removals: notice requirements) does not apply in relation to the removal of a person under section 10 of the Immigration and Asylum Act 1999 (removal of persons unlawfully in the United Kingdom)⁽³⁾, where a direction has been given before the day on which section 46 comes into force for that person’s removal under—

(a) section 10(7) of the Immigration and Asylum Act 1999; or

(1) 2022 c. 36.

(2) 1999 c. 33.

(3) Section 10 of the 1999 Act was substituted by section 1 of the Immigration Act 2014 (c. 22) and amended by Schedule 10 to the Immigration Act 2016 (c. 19).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(b) paragraphs 8 to 10 of Schedule 2 to the Immigration Act 1971(4).

25th October 2023

Robert Jenrick
Minister of State
Home Office

(4) 1971 c. 77; paragraph 8 was amended by paragraph 1 of Schedule 6 to the Channel Tunnel (International Arrangements) Order 1993/1813, by paragraph 4 of Schedule 7 to the Nationality, Immigration and Asylum Act 2002 (c. 41) and section 10 of, and paragraph 9 of the Schedule to, the Immigration Act 1988 (c. 14) (“the 1988 Act”); paragraph 9 was inserted by paragraph 6 of Schedule 2 to the Asylum and Immigration Act 1996 (c. 49); paragraph 10 was amended by sections 7(3) and 10 of, and paragraph 9 of the Schedule to, the 1988 Act.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force provisions of the Nationality and Borders Act 2022 (c. 36) (“the 2022 Act”). These Regulations also contain transitional provision in relation to the provision of the 2022 Act being brought into force by these Regulations.

Regulation 2 of these Regulations brings into force on 20th November 2023 section 46(1) to (5) and section 46(7) except to the extent section 46(7) inserts section 10D(1) to (7) into the Immigration and Asylum Act 1999 (c. 33). Section 46 provides a statutory minimum period to enable individuals access to justice prior to their removal.

Regulation 2 of these Regulations also brings section 52 into force on 20th November 2023, so far as not already in force. Section 52 provides the Secretary of State with the power to make regulations specifying the use of scientific methods of age assessment. Once specified, a decision maker must take as damaging to the age-disputed person’s credibility (or the credibility of a person who has made a statement on their behalf) when assessing their age, their refusal to consent to the use of the specified scientific method if there are no reasonable grounds for the refusal.

Regulation 3 makes transitional provision so that the provisions of section 46 brought into force by regulation 2 do not apply to any person in respect of whom removal directions were set before those provisions came into force.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Nationality and Borders Act 2022 (c. 36) have been brought into force by commencement regulations made before the date of these Regulations.

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|-----------------------------|-----------------|
| Sections 1 and 2 | 28.06.22 | 2022/590 |
| Section 3 | 23.11.22 | 2022/1056 |
| Section 4 (partially) | 28.06.22 | 2022/590 |
| Section 4 (remainder) | 23.11.22 | 2022/1056 |
| Sections 5 to 8 | 28.06.22 | 2022/590 |
| Section 9 and Schedule 1 (partially) | 28.06.22 | 2022/590 |
| Section 10 (remainder) and Schedule 2 | 10.05.23 | 2023/450 |
| Sections 11 and 12 | 28.06.22 | 2022/590 |
| Section 13(1) and (3) | 28.06.22 | 2022/590 |
| Section 14(1), (2), (6) and (7) (remainder) | 28.06.22 | 2022/590 |
| Section 14(3) and (5) (partially) | 28.06.22 | 2022/590 |
| Sections 15 to 17 | 28.06.22 | 2022/590 |

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|-----------------------------|-----------------|
| Section 29 (remainder) and Schedule 4 (partially) | 28.06.22 | 2022/590 |
| Section 30(3) | 28.06.22 | 2022/590 |
| Section 37 | 28.06.22 | 2022/590 |
| Section 40 (partially) | 28.06.22 | 2022/590 |
| Section 41 | 28.06.22 | 2022/590 |
| Section 42 (partially) and Schedule 5 (partially) | 13.02.23 | 2023/33 |
| Section 43 (remainder) and Schedule 6 (remainder) | 12.04.23 | 2023/283 |
| Section 43(2) and Schedule 6 (partially) | 24.08.22 | 2022/912 |
| Section 45 and Schedule 7 | 28.06.22 | 2022/590 |
| Section 46(6) | 28.06.22 | 2022/590 |
| Section 47 and Schedule 8 | 28.06.22 | 2022/590 |
| Section 48 | 28.06.22 | 2022/590 |
| Section 49(5) | 31.03.23 | 2023/283 |
| Section 50 (remainder) | 31.03.23 | 2023/283 |
| Section 51 | 31.03.23 | 2023/283 |
| Sections 60 to 65 | 30.01.23 | 2023/33 |
| Section 68 | 30.01.23 | 2023/33 |
| Section 69 (remainder) | 30.01.23 | 2023/33 |
| Section 75 | 28.06.22 | 2022/590 |
| Sections 77 to 79 | 28.06.22 | 2022/590 |
| Section 82 (remainder) | 28.06.22 | 2022/590 |