
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.