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STATUTORY INSTRUMENTS

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**2023 No. 305**

**IMMIGRATION**

**The Immigration (Electronic Travel Authorisations)  
(Consequential Amendment) Regulations 2023**

<i>Made</i>	- - - -	<i>9th March 2023</i>
<i>Laid before Parliament</i>		<i>10th March 2023</i>
<i>Coming into force</i>	- -	<i>31st March 2023</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 84(2) and (3) of the Nationality and Borders Act 2022(1).

**Citation, commencement and extent**

1. These Regulations—
  - (a) may be cited as the Immigration (Electronic Travel Authorisations) (Consequential Amendment) Regulations 2023;
  - (b) come into force on 31st March 2023;
  - (c) extend to England and Wales, Scotland and Northern Ireland.

**Consequential amendment to the Immigration (Provision of Physical Data) Regulations 2006**

2. In regulation 2 of the Immigration (Provision of Physical Data) Regulations 2006(2)—
  - (a) in the definition of “application”—
    - (i) at the end of paragraph (e) omit “or”;
    - (ii) after paragraph (f) insert—

“; or

      - (g) an application for an electronic travel authorisation pursuant to immigration rules made by virtue of section 11C of the Immigration Act 1971(3);”;

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(1) 2022 c. 36.  
(2) S.I. 2006/1743. Regulation 2 was amended by S.I. 2015/737 and S.I. 2020/1213. There are other amendments but none are relevant.  
(3) 1971 c. 77. Section 75(2) of the Nationality and Borders Act 2022 inserted section 11C into the Immigration Act 1971, which provides for immigration rules laid down in accordance with section 3(2) of that Act to make provision relating to electronic travel authorisations.

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**Status:** This is the original version (as it was originally made).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

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(b) in the definition of “immigration rules”(4), for “made under” substitute “laid down in accordance with”.

9th March 2023

*Robert Jenrick*  
Minister of State  
Home Office

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(4) The definition of “immigration rules” was inserted into regulation 2 by [S.I. 2015/737](#).

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## EXPLANATORY NOTE

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

These Regulations put in place a measure required to implement the Electronic Travel Authorisation (“ETA”) scheme introduced by the Nationality and Borders Act 2022 (c. 36).

Section 75(6) of the Nationality and Borders Act 2022 amended section 126(2) of the Nationality, Immigration and Asylum Act 2002 (c. 41) to add an application for an ETA to the types of immigration application which the Secretary of State may require by regulations to be accompanied by specified biometric information. Regulation 2 of these Regulations makes a consequential amendment to the Immigration (Provision of Physical Data) Regulations 2006 (S.I. 2006/1743) to add an application for an ETA to the types of immigration application for which compulsory biometric information may be required.

A full impact assessment of the effect that the ETA scheme will have on the costs to business, charity and voluntary bodies and the public sector has been prepared but not published.