

2023 No. 33 (C. 2)

IMMIGRATION AND ASYLUM

MODERN SLAVERY

**The Nationality and Borders Act 2022 (Commencement No. 4
and Transitional Provision) Regulations 2023**

Made - - - -

12th January 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(a).

Citation, interpretation and extent

1.—(1) These Regulations may be cited as the Nationality and Borders Act 2022 (Commencement No. 4 and Transitional Provision) Regulations 2023.

(2) In these Regulations—

“the 1999 Act” means the Immigration and Asylum Act 1999(b);

“the 2022 Act” means the Nationality and Borders Act 2022.

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

(4) Regulation 3(e) extends to England and Wales only.

Provisions coming into force on 13th February 2023

2.—(1) To the extent they are not already in force, the following provisions of the 2022 Act come into force on 13th February 2023—

(a) section 42 (penalty for failure to secure goods vehicle) so far as it relates to the provisions brought into force by sub-paragraphs (b) and (c) of this paragraph;

(b) paragraphs 2, 3 and 12 of Schedule 5 (penalty for failure to secure goods vehicle etc);

(c) the following paragraphs of Schedule 5, for the purposes mentioned in paragraph (2) of this regulation—

(i) paragraphs 1, 4, 5 and 6;

(ii) paragraph 7(1), (2) and (5);

(iii) paragraph 8(1) and (3) to (6); and

(iv) paragraphs 9 to 11.

(2) Those purposes are—

(a) 2022 c. 36.

(b) 1999 c. 33; relevant amendments were made by Schedule 5 to the 2022 Act.

- (a) the imposition of a penalty under section 31A of the 1999 Act (penalty for failure to secure goods vehicle etc)(a); and
- (b) the imposition of a penalty under section 32 of the 1999 Act (penalty for carrying clandestine entrants)(b) on a person responsible for a clandestine entrant within the meaning of subsection (1) of that section but limited to clandestine entrants who—
 - (i) arrive in the United Kingdom concealed in a vehicle;
 - (ii) pass, or attempt to pass, through immigration control concealed in a vehicle; or
 - (iii) arrive in the United Kingdom on a ship or aircraft, having embarked—
 - (aa) concealed in a vehicle; and
 - (bb) at a time when the ship or aircraft was outside the United Kingdom, and claim, or indicate that they intend to seek, asylum in the United Kingdom or evade, or attempt to evade, immigration control; and
- (c) related matters as set out in sections 31A to 37 and section 43 of the 1999 Act(c), in so far as they relate to purposes set out in sub-paragraphs (a) and (b).

Provisions coming into force on 30th January 2023

- 3.** The following provisions of the 2022 Act come into force on 30th January 2023—
- (a) section 60 (identification of potential victims of slavery or human trafficking);
 - (b) section 61 (identified potential victims of slavery or human trafficking: recovery period);
 - (c) section 62 (no entitlement to additional recovery period etc);
 - (d) section 63 (identified potential victims etc: disqualification from protection);
 - (e) section 64 (identified potential victims etc in England and Wales: assistance and support);
 - (f) section 65 (leave to remain for victims of slavery or human trafficking);
 - (g) section 68 (disapplication of retained EU law deriving from Trafficking Directive);
 - (h) section 69 (Part 5: interpretation)(d) so far as not already in force.

Transitional provision

4. The amendments of the 1999 Act brought into force by regulation 2 do not apply in respect of conduct which took place before 13th February 2023.

12th January 2023

Robert Jenrick
Minister of State
Home Office

(a) Section 31A was inserted by paragraph 3 of Schedule 5 to the 2022 Act.
(b) Relevant amendments to section 32 were made by paragraph 4 of Schedule 5 to the 2022 Act.
(c) Relevant amendments to sections 31A to 37 and section 43 were made by Schedule 5 to the 2022 Act.
(d) Section 69 was brought into force on Royal Assent of the 2022 Act, for the purposes of making (and, where required, consulting on) regulations, by section 87(4)(h) of that 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”). They are the fourth set of commencement regulations to be made under the 2022 Act.

Regulation 2 provides for the coming into force of certain provisions in Schedule 5 to the 2022 Act (penalty for failure to secure goods vehicle etc) which amends Part 2 of the Immigration and Asylum Act 1999 (c. 33) (carriers’ liability). In particular, provisions are commenced which allow for the imposition of penalties on a person responsible for a goods vehicle which is not adequately secured against unauthorised access, and which amend the regime which allows for the imposition of penalties on persons who carry clandestine entrants into the United Kingdom in a vehicle. Provision is also made for matters related to such penalties.

Regulation 3 brings into force sections 60 to 65, 68 and (so far as not already in force) section 69 of the 2022 Act. These provisions relate to slavery and human trafficking.

Regulation 4 makes a transitional provision so that the amendments of the 1999 Act brought into force by these Regulations do not apply to penalties in respect of conduct which took place before 13th February 2023.

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>
Section 1	28.06.22	S.I. 2022/590
Section 2	28.06.22	S.I. 2022/590
Section 3	23.11.22	S.I. 2022/1056
Section 4 (partially)	28.06.22	S.I. 2022/590
Section 4 (remainder)	23.11.22	S.I. 2022/1056
Section 5	28.06.22	S.I. 2022/590
Section 6	28.06.22	S.I. 2022/590
Section 7	28.06.22	S.I. 2022/590
Section 8	28.06.22	S.I. 2022/590
Section 9 and Schedule 1 (partially)	28.06.22	S.I. 2022/590
Section 11	28.06.22	S.I. 2022/590
Section 12	28.06.22	S.I. 2022/590
Section 13(1) and (3)	28.06.22	S.I. 2022/590
Section 14(1), (2), (6) and (7) (remainder)	28.06.22	S.I. 2022/590
Section 14(3) and (5) (partially)	28.06.22	S.I. 2022/590
Section 15	28.06.22	S.I. 2022/590
Section 16	28.06.22	S.I. 2022/590
Section 17	28.06.22	S.I. 2022/590
Section 29 (remainder) and Schedule 4 (partially)	28.06.22	S.I. 2022/590
Section 30(3)	28.06.22	S.I. 2022/590
Section 37	28.06.22	S.I. 2022/590
Section 40 (partially)	28.06.22	S.I. 2022/590

Section 41	28.06.22	S.I. 2022/590
Section 43(2) and Schedule 6 (partially)	24.08.22	S.I. 2022/912
Section 45 and Schedule 7	28.06.22	S.I. 2022/590
Section 46(6)	28.06.22	S.I. 2022/590
Section 47 and Schedule 8	28.06.22	S.I. 2022/590
Section 48	28.06.22	S.I. 2022/590
Section 75	28.06.22	S.I. 2022/590
Section 77	28.06.22	S.I. 2022/590
Section 79	28.06.22	S.I. 2022/590
Section 82 (remainder)	28.06.22	S.I. 2022/590

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£4.90

<http://www.legislation.gov.uk/id/uksi/2023/33>

ISBN 978-0-34-824372-7



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