

*Status: This version of this provision is prospective.*

*Changes to legislation: Nationality, Immigration and Asylum Act 2002, Section 45 is up to date with all changes known to be in force on or before 05 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*



# Nationality, Immigration and Asylum Act 2002

## 2002 CHAPTER 41

### PART 3

#### OTHER SUPPORT AND ASSISTANCE

PROSPECTIVE

#### 45 Section 44: supplemental

- (1) The following shall be substituted for section 96(1)(b) of the Immigration and Asylum Act 1999 (ways of providing support)—
  - “(b) by providing the supported person and his dependants (if any) with food and other essential items;”.
- (2) In section 97 of the Immigration and Asylum Act 1999 (c. 33) (support: supplemental)—
  - (a) in subsection (4) for “essential living needs” there shall be substituted “ food and other essential items ”,
  - (b) in subsection (5) for “essential living needs” there shall be substituted “ food and other essential items ”, and
  - (c) in subsection (6) for “living needs” there shall be substituted “ items ”.
- (3) Paragraphs 2 and 6 of Schedule 8 to the Immigration and Asylum Act 1999 (support: regulations) shall cease to have effect.
- (4) In paragraph 3 of Schedule 9 to the Immigration and Asylum Act 1999 (support: interim provision)—
  - (a) for “Subsections (3) to (8) of section 95” substitute “ Subsections (2) to (6) of section 95 ”, and
  - (b) for “subsections (5) and (7)” substitute “ subsections (4) and (5) ”.

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- (5) The following shall be substituted for section 21(1B) of the National Assistance Act 1948 (c. 29) (duty of local authority to provide accommodation: exclusion of destitute asylum-seeker: interpretation)—

“(1B) Section 95(2) to (7) of that Act shall apply for the purposes of subsection (1A) above; and for that purpose a reference to the Secretary of State in section 95(4) or (5) shall be treated as a reference to a local authority.”

- (6) The following shall be substituted for section 45(4B) of the Health Services and Public Health Act 1968 (c. 46) (local authority promotion of welfare of elderly: exclusion of destitute asylum-seeker: interpretation)—

“(4B) Section 95(2) to (7) of that Act shall apply for the purposes of subsection (4A) above; and for that purpose a reference to the Secretary of State in section 95(4) or (5) shall be treated as a reference to a local authority.”

- (7) [<sup>F1</sup>The following shall be substituted for paragraph 2(2B) of Schedule 8 to the National Health Service Act 1977 (c. 49) (local authority arrangements for prevention and care: exclusion of asylum-seeker: interpretation)—

“(2B) Section 95(2) to (7) of that Act shall apply for the purposes of subparagraph (2A) above; and for that purpose a reference to the Secretary of State in section 95(4) or (5) shall be treated as a reference to a local social services authority.”]

#### Textual Amendments

- F1** S. 45(7) repealed (coming into force in accordance with s. 8(5)(6) of the repealing Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

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**Changes and effects yet to be applied to :**

- s. 45 repealed by 2016 c. 19 Sch. 11 para. 41(b)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket amendment words substituted by S.I. 2011/1043 art. 34

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18(1)(1A) substituted for s. 18(1) by 2016 c. 19 Sch. 11 para. 31(2)
- s. 22A inserted by 2022 c. 36 s. 13(7)
- s. 27(ba) inserted by 2022 c. 36 s. 13(10)
- s. 51(2)(d) and word inserted by 2016 c. 19 Sch. 11 para. 26(6)
- s. 55(2)(aa) inserted by 2016 c. 19 Sch. 11 para. 26(7)
- s. 62(3A) inserted by 2023 c. 37 s. 11(8)
- s. 80A(5A) inserted by 2023 c. 37 s. 10(8)
- s. 82A inserted by 2022 c. 36 s. 23(1)
- s. 94(6B) inserted by 2006 c. 13 s. 13
- s. 106(2)(ua) inserted by 2007 c. 30 s. 19(3)
- s. 107(2A) inserted by 2022 c. 36 Sch. 3 para. 5(a)
- s. 126(2A) inserted by S.I. 2019/745 reg. 12(3)(b) (This amendment not applied to legislation.gov.uk. Reg. 12(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- Sch. 3 para. 1(1)(ga) inserted by 2016 c. 19 Sch. 12 para. 2(2) (This Act is amended by S.I. 2020/1309, Sch. 1 para. 3(a))
- Sch. 3 para. 1(2A) inserted by 2016 c. 19 Sch. 12 para. 2(4) (This Act is amended by S.I. 2020/1309, Sch. 1 para. 3(b))
- Sch. 3 para. 1A inserted by 2016 c. 19 Sch. 12 para. 3
- Sch. 3 para. 2(1)(ca) inserted by 2016 c. 19 Sch. 12 para. 4(3)
- Sch. 3 para. 2A inserted by 2016 c. 19 Sch. 12 para. 5
- Sch. 3 para. 3A-3C inserted by 2016 c. 19 Sch. 12 para. 6
- Sch. 3 para. 7B7C and cross-headings inserted by 2016 c. 19 Sch. 12 para. 9
- Sch. 3 para. 10A10B inserted by 2016 c. 19 Sch. 12 para. 10 (This Act is amended by S.I. 2020/1309, Sch. 1 para. 3(c))
- Sch. 3 para. 15(aa) inserted by 2016 c. 19 Sch. 12 para. 14(2)
- Sch. 3 para. 15(d)-(f) inserted by 2016 c. 19 Sch. 12 para. 14(4)
- Sch. 3 para. 7C(1)(c) word substituted by S.I. 2019/745 reg. 12(5)(d) (This amendment not applied to legislation.gov.uk. Reg. 12(5)(a)(c)(d) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- Sch. 5 para. 3(1) Sch. 5 para. 3 renumbered as Sch. 5 para. 3(1) by 2005 c. 4 Sch. 4 para. 407(2) (This amendment not applied to legislation.gov.uk. The "original amending provision" is already fully in force, see Sch. 4 paras. 361, 407(5))
- Sch. 5 para. 3(2)-(4) inserted by 2005 c. 4 Sch. 4 para. 407(4) (This amendment not applied to legislation.gov.uk. The "original amending provision" is already fully in force, see Sch. 4 paras. 361, 407(5))

- Sch. 5 para. 3(1) words inserted by [2005 c. 4 Sch. 4 para. 407\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). The "original amending provision" is already fully in force, see Sch. 4 paras. 361, 407(5))