



Nationality and Borders Act 2022

2022 CHAPTER 36

PART 7

GENERAL

83 Financial provision

The following are to be paid out of money provided by Parliament—

- (a) expenditure incurred under or by virtue of this Act by a Minister of the Crown, and
- (b) any increase attributable to this Act in the sums payable under any other Act out of money so provided.

84 Transitional and consequential provision

- (1) The Secretary of State may by regulations make such transitional, transitory or saving provision as the Secretary of State considers appropriate in connection with the coming into force of any provision of this Act.
- (2) The Secretary of State may by regulations make such provision as the Secretary of State considers appropriate in consequence of this Act.
- (3) The provision that may be made by regulations under subsection (2) includes provision amending, repealing or revoking any enactment.
- (4) “Enactment” includes—
 - (a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;
 - (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
 - (c) an enactment contained in, or in an instrument made under, a Measure or Act of Senedd Cymru;
 - (d) an enactment contained in, or in an instrument made under, Northern Ireland legislation.

- (5) Regulations under subsection (2) that amend—
 - (a) an Act of Parliament,
 - (b) retained direct principal EU legislation,
 - (c) an Act of the Scottish Parliament,
 - (d) a Measure or Act of Senedd Cymru, or
 - (e) Northern Ireland legislation,
 are subject to affirmative resolution procedure.
- (6) Otherwise, regulations under subsection (2) are subject to negative resolution procedure.
- (7) In section 61(2) of the UK Borders Act 2007 (meaning of “the Immigration Acts”)—
 - (a) omit the “and” at the end of paragraph (k), and
 - (b) after paragraph (l) insert “, and
 - (m) the Nationality and Borders Act 2022.”

85 Regulations

- (1) A power to make regulations under this Act is exercisable by statutory instrument.
- (2) Regulations under this Act—
 - (a) may make different provision for different purposes;
 - (b) may make transitional, transitory or saving provision;
 - (c) may make incidental, supplementary or consequential provision.
- (3) Where regulations under this Act are subject to “negative resolution procedure” the statutory instrument containing the regulations is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Where regulations under this Act are subject to “affirmative resolution procedure” the regulations may not be made unless a draft of the instrument containing them has been laid before and approved by a resolution of each House of Parliament.
- (5) Any provision that may be made by regulations under this Act subject to negative resolution procedure may instead be made by regulations under this Act subject to affirmative resolution procedure.
- (6) Any provision that may be made by regulations under this Act for which no Parliamentary procedure is prescribed may instead be made by regulations subject to negative or affirmative resolution procedure.

86 Extent

- (1) This Act extends to England and Wales, Scotland and Northern Ireland, subject as follows.
- (2) Any amendment, repeal or revocation made by this Act has the same extent within the United Kingdom as the provision to which it relates.
- (3) Part 1 (nationality) also extends to the Channel Islands and the Isle of Man and the British overseas territories within the meaning of the British Nationality Act 1981 (see section 50(1) of that Act).

- (4) Her Majesty may by Order in Council provide for any of the provisions of this Act to extend, with or without modifications, to any of the Channel Islands or the Isle of Man.
- (5) A power under any provision listed in subsection (6) may be exercised so as to extend (with or without modification) to any of the Channel Islands or the Isle of Man any amendment or repeal made by or under this Act of any part of an Act to which the provision listed in subsection (6) relates.
- (6) Those provisions are—
 - (a) section 36 of the Immigration Act 1971,
 - (b) section 15(1) of the Asylum and Immigration Appeals Act 1993,
 - (c) section 13(5) of the Asylum and Immigration Act 1996,
 - (d) section 9(3) of the Special Immigration Appeals Commission Act 1997,
 - (e) section 170(7) of the Immigration and Asylum Act 1999,
 - (f) section 163(4) of the Nationality, Immigration and Asylum Act 2002,
 - (g) section 338 of the Criminal Justice Act 2003,
 - (h) section 49(3) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004,
 - (i) section 63(3) of the Immigration, Asylum and Nationality Act 2006,
 - (j) section 60(4) of the UK Borders Act 2007,
 - (k) section 57(5) of the Borders, Citizenship and Immigration Act 2009,
 - (l) section 76(6) of the Immigration Act 2014,
 - (m) section 60(6) of the Modern Slavery Act 2015,
 - (n) section 95(5) of the Immigration Act 2016, and
 - (o) section 8(2) of the Immigration and Social Security (EU Withdrawal) Act 2020.

87 Commencement

- (1) Subject to subsections (3) to (5), this Act comes into force on such day as the Secretary of State appoints by regulations.
- (2) Regulations under subsection (1) may appoint different days for different purposes or areas.
- (3) The following provisions come into force on the day on which this Act is passed—
 - (a) section 10(1) and (6) to (8) (effect of failure to give notice of pre-commencement decision to deprive a person of citizenship);
 - (b) sections 70, 71 and 73 (visa penalties in relation to countries posing a risk to international peace and security etc);
 - (c) this Part.
- (4) The following provisions come into force on the day on which this Act is passed for the purposes of making (and, where required, consulting on) regulations—
 - (a) section 14 (requirement to make asylum claim at “designated place”);
 - (b) section 27 (accelerated detained appeals);
 - (c) section 42 and Schedule 5 (penalty for failure to secure goods vehicle etc);
 - (d) section 43 (working in United Kingdom waters: arrival and entry);
 - (e) section 50 (persons subject to immigration control: referral or age assessment by local authority);

Status: This is the original version (as it was originally enacted).

- (f) section 52 (use of scientific methods in age assessments);
 - (g) section 53 (regulations about age assessments);
 - (h) section 69 (interpretation of Part 5);
 - (i) section 82 (pre-consolidation amendments of immigration legislation).
- (5) The following provisions come into force at the end of the period of two months beginning with the day on which this Act is passed—
- (a) section 28 (claims certified as clearly unfounded: removal of right of appeal);
 - (b) paragraphs 5 to 19 of Schedule 4, and section 29 so far as it relates to those paragraphs (removal of asylum seeker to safe third country);
 - (c) section 30(1), (2) and (4) to (6) (Refugee Convention: general);
 - (d) sections 31 to 36 and 38 (interpretation of Refugee Convention);
 - (e) section 39 (interpretation of Part 2);
 - (f) section 44 (power to search container);
 - (g) section 49(1) to (4) (interpretation of Part 4);
 - (h) sections 72 and 74 (visa penalties in relation to uncooperative countries);
 - (i) section 78 (counter-terrorism questioning of detained entrants away from place of arrival).

88 Short title

This Act may be cited as the Nationality and Borders Act 2022.