

SCHEDULE 2

Regulation 3

Transitional and Saving Provisions

Section 5 of the 2022 Act

1. Section 5 of the 2022 Act applies in relation to an application for registration as a British overseas territories citizen under section 17 of the British Nationality Act 1981 (acquisition by registration: minors)(1) made but not determined before the appointed day.

Section 6 of the 2022 Act

2. Section 6 of the 2022 Act applies in relation to an application for registration as a British citizen under sections 4C (acquisition by registration: certain persons born between 1961 and 1983)(2) and 4I (other person unable to become citizen at commencement)(3) of the British Nationality Act 1981 made but not determined before the appointed day.

Section 9 of, and Schedule 1 to, the 2022 Act

3. Section 9 of, and to the extent brought into force by regulation 2, Schedule 1 to, the 2022 Act apply in relation to an application for registration or naturalisation as a citizen under the following provisions made but not determined before the appointed day—

- (a) section 4 of the British Nationality Act 1981 (acquisition of British citizenship by registration: British overseas territories citizens etc);
- (b) section 6 of that Act (acquisition of British citizenship by naturalisation), or
- (c) section 18 of that Act (acquisition of British overseas territories citizenship by naturalisation).

Sections 12, 14, 15, 16 and 29 of, and paragraphs 1 to 4 of Schedule 4 to, the 2022 Act

4.—(1) Section 12 of the 2022 Act does not apply in relation to a claim for asylum, within the meaning of section 37(6) of that Act, made before the appointed day.

(2) Section 14 of the 2022 Act, to the extent brought into force by regulation 2, does not apply in relation to an asylum claim, within the meaning of section 14(6) of that Act, made before the appointed day.

(3) Sections 15 and 16 of the 2022 Act do not apply in relation to a claim made, before the appointed day, by a person to the Secretary of State that to remove the person from or require the person to leave the United Kingdom would breach the United Kingdom's obligations under the Refugee Convention.

(4) Section 29, to the extent brought into force by regulation 2, and paragraphs 1 to 4 of Schedule 4 of the 2022 Act, do not apply in relation to a claim by a person that it would be contrary to the United Kingdom's obligations under the Refugee Convention to remove the person from or require the person to leave the United Kingdom, made before the appointed day.

(1) Section 17 was amended by section 1(1) and section 2(2)(b) of the British Overseas Territories Act 2002 (c. 8), section 261(1) of, and paragraph 75 of Schedule 27 to, the Civil Partnership Act 2004 (c. 33), and section 9(3) of, and paragraph 161 of Schedule 9 to, the Nationality, Immigration and Asylum Act 2002; section 17 is prospectively amended by section 5(1) of the Nationality and Borders Act 2022.

(2) Section 4C was inserted by section 13(1) of the Nationality, Immigration and Asylum Act 2002 (c. 41) and by sections 45 and 56 of, and the Schedule to, the Borders, Citizenship and Immigration Act 2009 (c. 11); section 4C is prospectively amended by section 6(2) of the Nationality and Borders Act 2022.

(3) Section 4I was inserted by section 65 of the Immigration Act 2014 (c. 22).

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

Section 30 of the 2022 Act

5.—(1) Section 30(4) of the 2022 Act (revocation of the Refugee or Person in Need of International Protection (Qualification) Regulations 2006⁽⁴⁾) does not apply in relation to an asylum claim made before the appointed day.

(2) In paragraph (1), “asylum claim” means a claim made by a person to the Secretary of State that to remove the person from or require them to leave the United Kingdom would breach the United Kingdom’s obligations under the Refugee Convention.

Section 37 of the 2022 Act

6. Where Article 31(1) of the Refugee Convention is relevant to any criminal offence or alleged criminal offence, or a decision to prosecute a criminal offence or alleged criminal offence, section 37 of the 2022 Act does not apply to offences committed or alleged to have been committed before the appointed day.

Sections 40 and 41 of the 2022 Act

7. The amendments made by section 40 (to the extent brought into force by regulation 2) and section 41 of the 2022 Act apply only in relation to an offence committed on or after the appointed day.

Section 45 of, and Schedule 7 to, the 2022 Act

8.—(1) Paragraph (2) applies where—

- (a) before the appointed day, the Secretary of State has given authority under sections 28M(3), 28N(3) or 28O(3) of the 1971 Act⁽⁵⁾ for the exercise of powers set out in Schedule 4A to that Act in relation to a ship, and
- (b) pursuant to that authority, those powers are in the process of being exercised in relation to that ship immediately before the appointed day.

(2) The authority referred to in paragraph (1)(a) is to be treated as authority under section 28LA(3) of the 1971 Act⁽⁶⁾ in relation to that ship for the exercise of the powers set out in Part A1 of Schedule 4A to the 1971⁽⁷⁾ Act in United Kingdom waters, other than—

- (a) the power conferred by paragraph B1(2)(c) of Part A1 of that Schedule, except to the extent it permits requiring the ship to be taken to a port in the United Kingdom and detained there;
- (b) the power conferred by paragraph B1(2)(d) of Part A1 of that Schedule.

(3) In paragraph (2), “United Kingdom waters” means the sea and other waters within the seaward limits of the United Kingdom’s territorial sea.

Section 47 of, and Schedule 8 to, the 2022 Act

9. Section 47 (prisoners liable to removal from the United Kingdom) of, and Schedule 8 (prisoners returning to the UK: modifications of Criminal Justice Act 2003) to, the 2022 Act do not apply in respect of the removal of a prisoner from the United Kingdom under section 260 of the

(4) S.I. 2006/2525.

(5) Sections 28M, 28N and 28O were inserted by section 75 of, and paragraphs 1 and 7 of Schedule 14 to, the Immigration Act 2016 (c. 19).

(6) Section 28(LA) is inserted by paragraph 2 of Schedule 7 to the Nationality and Borders Act 2022.

(7) Part A1 of Schedule 4A to the Immigration Act 1971 is inserted by paragraph 10 of Schedule 7 to the Nationality and Borders Act 2022.

Criminal Justice Act 2003 (early removal of prisoners liable to removal from United Kingdom)(8) before the appointed day.

(8) 2003 c. 44. Section 260 was amended by section 378(1) of, and paragraph 225 of Schedule 16 to, the Armed Forces Act 2006 (c. 52), sections 14(1), 34 and 149 of, and Schedule 28 to, the Criminal Justice and Immigration Act 2008 (c. 4), sections 111(2), 116(1), section 116(5), 121(6) and 125 of, and paragraphs 5 and 11 of Schedule 14, paragraphs 1 and 6 of Schedule 17 and paragraphs 1 and 9 of Schedule 20 to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), sections 6(2), 8(3), 14 and 15(6) of, and paragraphs 14 and 20 of Schedule 1 and paragraphs 4 and 8 of Schedule 3 to, the Criminal Justice and Courts Act 2015 (c. 2), section 7(2) and 7(5) of the Terrorist Offenders (Restriction of Early Release) Act 2020 (c. 3), section 410 of, and paragraphs 217 and 234 of Schedule 24 to, the Sentencing Act 2020 (c. 17), and S.I. 2008/978; and is prospectively amended by section 46 of the Nationality and Borders Act 2022.