

This draft Order supersedes the draft published on 9th October 2006. It is being issued free of charge to all known recipients of that draft Order.

Draft Order laid before Parliament under section 141(5)(c) of the Nationality, Immigration and Asylum Act 2002 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2006 No.

IMMIGRATION

**The Nationality, Immigration and Asylum Act 2002
(Juxtaposed Controls) (Amendment) Order 2006**

Made - - - - 2006
Coming into force - -

The Secretary of State makes this Order in exercise of the powers conferred by section 141 of the Nationality, Immigration and Asylum Act 2002(1).

The Secretary of State has consulted with such persons as appear to him to be appropriate in accordance with section 141(5)(b) of the Nationality, Immigration and Asylum Act 2002.

A draft of this instrument has been approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) (Amendment) Order 2006 and comes into force on the expiry of the period of 14 days beginning with the day on which this Order is made.

Amendment of the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003

2. In the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003(2) insert—

(a) after article 11(1)(e)—

“(f) sections 141 and 143 of the Immigration and Asylum Act 1999(3); and

(1) 2002 c.41.
(2) S.I. 2003/2818. Article 11(1)(e) amended by S.I. 2006/1003.
(3) 1999 c.33; relevant amendments to section 141 were made by section 66 of the Nationality, Immigration and Asylum Act 2002 (c.41), section 15 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c.19) and section 28 of the Immigration, Asylum and Nationality Act 2006 (c.13); relevant amendments to section 143 were made by section 36 of the Anti-terrorism, Crime and Security Act 2001 (c.24).

- (g) sections 40 and 41 of the Immigration, Asylum and Nationality Act 2006⁽⁴⁾.”;
- (b) after article 12(4)—
 - “(4A) An act or omission which constitutes an offence under section 41 of the Immigration, Asylum and Nationality Act 2006 shall also be an offence if it takes place in a Control Zone in France.”; and
- (c) after paragraph 1 of Schedule 2—

“Immigration and Asylum Act 1999

- 1A.** In the Immigration and Asylum Act 1999 ⁽⁵⁾ in section 141 (fingerprinting)—
 - (a) in subsection (7)(a) for “on his arrival in the United Kingdom” substitute “in a Control Zone”
 - (b) in subsection (9)(b) for “his removal or deportation from the United Kingdom” substitute “his leaving a Control Zone”.”.

Home Office

Minister of State

⁽⁴⁾ 2006 c.13.
⁽⁵⁾ 1999 c.33.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2(a) of this Order amends article 11 of the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003 (“the 2003 Order”) to give effect to two provisions of English law in the control zones in France.

Firstly, the power to take fingerprints under section 141 of the Immigration and Asylum Act 1999 (“the 1999 Act”) is extended to the control zones, together with section 143 of the 1999 Act which governs the destruction of such fingerprints.

Secondly, sections 40 and 41 of the Immigration, Asylum and Nationality Act 2006 (“the 2006 Act”) are extended to the control zones. These sections allows the Secretary of State to authorise persons other than immigration officers to search a ship, aircraft or vehicle or other thing for the purpose of satisfying himself whether there are individuals whom an immigration officer might wish to examine for the purposes of considering whether the person should enter the UK.

The Order also makes two consequential amendments to the 2003 Order.

Article 2(b) amends article 12 to the 2003 Order to provide that an act or omission which would constitute an offence under section 41 of the 2006 Act shall also be an offence if it takes place in a control zone in France,

Article 2(c) amends Schedule 2 to the 2003 Order to provide that section 141 of the 1999 Act shall apply in the control zone in France as modified.