

Draft Order laid before Parliament under section 166(4) of the Immigration and Asylum Act 1999, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No.

IMMIGRATION

The Immigration (Supply of Information to the Secretary of State for Immigration Purposes) Order 2008

<i>Made</i>	- - - -	2008
<i>Coming into force</i>	- -	2008

The Secretary of State, in exercise of the powers conferred by section 20(1)(f), (3)(e) and (5) of the Immigration and Asylum Act 1999(1), makes the following Order.

In accordance with section 166(4) of that Act(2), a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Immigration (Supply of Information to the Secretary of State for Immigration Purposes) Order 2008 and shall come into force on the day after the day on which it is made.

(2) In this Order—

“the Act” means the Immigration and Asylum Act 1999;

“British Transport Police Force” means the police force established under section 20 of the Railways and Transport Safety Act 2003(3).

Information: specified persons and purposes

2. For the purposes of section 20(1)(f) of the Act, the following persons and purposes are specified—

(a) the Secretary of State for Transport for the purposes of Part III of the Road Traffic Act 1988(4) and the Merchant Shipping Act 1995(5);

(1) 1999 c. 33.

(2) Section 166(4) of the Act has been amended by sections 61(b) and 161 of, and Schedule 9 to, the Nationality, Immigration and Asylum Act 2002 (c. 41) and section 186 of, and Schedule 18 to, the Legal Services Act 2007 (c. 29).

(3) 2003 c. 20.

(4) 1988 c. 52.

(5) 1995 c. 21.

- (b) the Secretary of State for Work and Pensions for the purposes of functions relating to social security; and
- (c) the Chief Constable of the British Transport Police Force for the purposes of the prevention, detection, investigation or prosecution of criminal offences and safeguarding national security.

Specified immigration purposes

- 3. For the purposes of section 20(3)(e) of the Act, the following purposes are specified—
 - (a) determining whether to impose, or imposing, penalties under section 15 of the Immigration, Asylum and Nationality Act 2006⁽⁶⁾ (restrictions on employment); and
 - (b) providing facilities, or arranging for the provision of facilities, for the accommodation of persons under section 4 of the Act⁽⁷⁾.

Home Office

Minister of State

⁽⁶⁾ 2006 c. 13.

⁽⁷⁾ Section 4 of the Act has been amended by section 49 of the Nationality, Immigration and Asylum Act 2002 (c. 41), section 10 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c. 19) and section 43 of the Immigration, Asylum and Nationality Act 2006 (c. 13).

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 provides that section 20 of the Immigration and Asylum Act 1999 (“the Act”) applies to information held by the persons specified in that article for the purposes specified in relation to each of those persons. Information held by those persons for the relevant purposes may be supplied to the Secretary of State for use for “immigration purposes”.

“Immigration purposes” is defined in section 20(3) of the Act. By virtue of article 3, the definition of “immigration purposes”, for the purposes of section 20 of the Act, also includes those purposes specified in that article.