



# Immigration Act 1988

## 1988 CHAPTER 14

### [<sup>F17</sup> **Persons exercising Community rights and nationals of member States.**

- (1) A person shall not under the principal Act require leave to enter or remain in the United Kingdom in any case in which he is entitled to do so by virtue of an enforceable [<sup>F2</sup>EU] right or of any provision made under section 2(2) of the <sup>M1</sup>European Communities Act 1972.
- (2) The Secretary of State may by order made by statutory instrument give leave to enter the United Kingdom for a limited period to any class of persons who are nationals of member States but who are not entitled to enter the United Kingdom as mentioned in subsection (1) above; and any such order may give leave subject to such conditions as may be imposed by the order.
- (3) References in the principal Act to limited leave shall include references to leave given by an order under subsection (2) above and a person having leave by virtue of such an order shall be treated as having been given that leave by a notice given to him by an immigration officer within the period specified in paragraph 6(1) of Schedule 2 to that Act.]

#### Textual Amendments

- F1** [S. 7](#) omitted (31.12.2020) by virtue of Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (c. 20), s. 9(1), Sch. 1 para. 1 (with ss. 4(2), 5(4)); [S.I. 2020/1279](#), [reg. 4\(c\)](#) (with saving in [S.I. 2020/1309](#), [regs. 1\(2\)](#), 83, [Sch. 4 paras. 5-7](#) (as amended by [S.I. 2023/12](#), [reg. 5\(2\)\(b\)\(c\)](#)))
- F2** Word in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011](#) ([S.I. 2011/1043](#)), [arts. 2, 3, 6](#) (with [arts. 3\(2\)\(3\)](#), 4(2), 6(4)(5))

#### Modifications etc. (not altering text)

- C1** [Ss. 2, 7, 8, 9 and 12](#) extended (Guernsey) (with modifications) (1.8.1993) by [S.I. 1993/1796](#), [art. 3\(4\)](#), [Sch. 1 Pt. 3](#) (as amended (coming into force in accordance with art. 1(1) of the amending S.I.) by [S.I. 2020/1560](#), [arts. 1\(1\)](#), 7)
- C2** [S. 7](#) extended (Jersey) (with modifications) (1.8.1993) to by [S.I. 1993/1797](#), [art. 3\(4\)](#), [Sch. 1 Pt. 3](#) (as amended (coming into force in accordance with art. 1 of the amending S.I.) by [S.I. 2017/981](#), [Sch. Pt.](#)

---

**Changes to legislation:** There are currently no known outstanding effects for the Immigration Act 1988, Section 7. (See end of Document for details)

---

**1 para. 3** (with **art. 6**) and as amended (coming into force in accordance with art. 1 of the amending S.I.) by **S.I. 2020/1566**, arts. 1(1), **3**)

- C3** S. 7(1) applied (with modifications) (31.12.2020) by **The Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020** (S.I. 2020/1209), regs. 1(1), **3(4)**, 4(5), 12(1)(g)

---

**Commencement Information**

- I1** S. 7 wholly in force (20.7.1994); s. 7(2)-(3) in force at 10.7.1988 see s. 12(3); s. 7(1) not in force at Royal Assent see s. 12(4); s. 7(1) in force at 20.7.1994 by **S.I. 1994/1923**, **art. 2**

---

**Marginal Citations**

- M1** 1972 c. 68.

**Changes to legislation:**

There are currently no known outstanding effects for the Immigration Act 1988, Section 7.