



# Nationality, Immigration and Asylum Act 2002

## 2002 CHAPTER 41

### PART 6

#### IMMIGRATION PROCEDURE

##### *Immigration control*

#### **141 EEA ports: juxtaposed controls**

- (1) The Secretary of State may by order make provision for the purpose of giving effect to an international agreement which concerns immigration control at [<sup>F1</sup>a United Kingdom port or] an EEA port (whether or not it also concerns other aspects of frontier control at the port).
- (2) An order under this section may make any provision which appears to the Secretary of State—
  - (a) likely to facilitate implementation of the international agreement (including those aspects of the agreement which relate to frontier control other than immigration control), or
  - (b) appropriate as a consequence of provision made for the purpose of facilitating implementation of the agreement.
- (3) In particular, an order under this section may—
  - (a) provide for a law of England and Wales to have effect, with or without modification, in relation to a person in a specified area or anything done in a specified area;
  - (b) provide for a law of England and Wales not to have effect in relation to a person in a specified area or anything done in a specified area;
  - (c) provide for a law of England and Wales to be modified in its effect in relation to a person in a specified area or anything done in a specified area;

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- (d) disapply or modify an enactment in relation to a person who has undergone a process in a specified area;
  - (e) disapply or modify an enactment otherwise than under paragraph (b), (c) or (d);
  - (f) make provision conferring a function (which may include—
    - (i) provision conferring a discretionary function;
    - (ii) provision conferring a function on a servant or agent of the government of a State other than the United Kingdom);
  - (g) create or extend the application of an offence;
  - (h) impose or permit the imposition of a penalty;
  - (i) require the payment of, or enable a person to require the payment of, a charge or fee;
  - (j) make provision about enforcement (which may include—
    - (i) provision conferring a power of arrest, detention or removal from or to any place;
    - (ii) provision for the purpose of enforcing the law of a State other than the United Kingdom);
  - (k) confer jurisdiction on a court or tribunal;
  - (l) confer immunity or provide for indemnity;
  - (m) make provision about compensation;
  - (n) impose a requirement, or enable a requirement to be imposed, for a person to co-operate with or to provide facilities for the use of another person who is performing a function under the order or under the international agreement (which may include a requirement to provide facilities without charge);
  - (o) make provision about the disclosure of information.
- (4) An order under this section may—
- (a) make provision which applies generally or only in specified circumstances;
  - (b) make different provision for different circumstances;
  - (c) amend an enactment.
- (5) An order under this section—
- (a) must be made by statutory instrument,
  - (b) may not be made unless the Secretary of State has consulted with such persons as appear to him to be appropriate, and
  - (c) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.
- (6) In this section—
- “EEA port” means a port in an EEA State from which passengers are commonly carried by sea to <sup>F2</sup>... the United Kingdom,
- “EEA State” means a State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (as it has effect from time to time),
- “frontier control” means the enforcement of law which relates to, or in so far as it relates to, the movement of persons or goods into or out of the United Kingdom or another State,
- “immigration control” means arrangements made in connection with the movement of persons into or out of the United Kingdom or another State,

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“international agreement” means an agreement made between Her Majesty’s Government and the government of another State, and

“specified area” means an area (whether of the United Kingdom or of another State) specified in an international agreement.

[<sup>F3</sup>“United Kingdom port” means a port in the United Kingdom from which passengers are commonly carried by sea to an EEA State.]

#### Textual Amendments

- F1** Words in s. 141(1) inserted (31.12.2020) by [The Immigration, Nationality and Asylum \(EU Exit\) Regulations 2019 \(S.I. 2019/745\)](#), regs. 1(2), **12(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in s. 141(6) omitted (31.12.2020) by virtue of [The Immigration, Nationality and Asylum \(EU Exit\) Regulations 2019 \(S.I. 2019/745\)](#), regs. 1(2), **12(4)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in s. 141(6) inserted (31.12.2020) by [The Immigration, Nationality and Asylum \(EU Exit\) Regulations 2019 \(S.I. 2019/745\)](#), regs. 1(2), **12(4)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- [Blanket amendment words substituted by S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- [s. 18\(1\)\(1A\) substituted for s. 18\(1\) by 2016 c. 19 Sch. 11 para. 31\(2\)](#)
- [s. 22A inserted by 2022 c. 36 s. 13\(7\)](#)
- [s. 27\(ba\) inserted by 2022 c. 36 s. 13\(10\)](#)
- [s. 51\(2\)\(d\) and word inserted by 2016 c. 19 Sch. 11 para. 26\(6\)](#)
- [s. 55\(2\)\(aa\) inserted by 2016 c. 19 Sch. 11 para. 26\(7\)](#)
- [s. 62\(3A\) inserted by 2023 c. 37 s. 11\(8\)](#)
- [s. 80A\(5A\) inserted by 2023 c. 37 s. 10\(8\)](#)
- [s. 82A inserted by 2022 c. 36 s. 23\(1\)](#)
- [s. 94\(6B\) inserted by 2006 c. 13 s. 13](#)
- [s. 106\(2\)\(ua\) inserted by 2007 c. 30 s. 19\(3\)](#)
- [s. 107\(2A\) inserted by 2022 c. 36 Sch. 3 para. 5\(a\)](#)
- [s. 126\(2A\) inserted by S.I. 2019/745 reg. 12\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). [Reg. 12\(2\)\(3\)](#) omitted immediately before IP completion day by virtue of [S.I. 2020/1309](#), regs. 1(2)(a), 48)
- [Sch. 3 para. 1\(1\)\(ga\) inserted by 2016 c. 19 Sch. 12 para. 2\(2\)](#) (This Act is amended by [S.I. 2020/1309](#), Sch. 1 para. 3(a))
- [Sch. 3 para. 1\(2A\) inserted by 2016 c. 19 Sch. 12 para. 2\(4\)](#) (This Act is amended by [S.I. 2020/1309](#), Sch. 1 para. 3(b))
- [Sch. 3 para. 1A inserted by 2016 c. 19 Sch. 12 para. 3](#)
- [Sch. 3 para. 2\(1\)\(ca\) inserted by 2016 c. 19 Sch. 12 para. 4\(3\)](#)
- [Sch. 3 para. 2A inserted by 2016 c. 19 Sch. 12 para. 5](#)
- [Sch. 3 para. 3A-3C inserted by 2016 c. 19 Sch. 12 para. 6](#)
- [Sch. 3 para. 7B7C and cross-headings inserted by 2016 c. 19 Sch. 12 para. 9](#)
- [Sch. 3 para. 10A10B inserted by 2016 c. 19 Sch. 12 para. 10](#) (This Act is amended by [S.I. 2020/1309](#), Sch. 1 para. 3(c))
- [Sch. 3 para. 15\(aa\) inserted by 2016 c. 19 Sch. 12 para. 14\(2\)](#)
- [Sch. 3 para. 15\(d\)-\(f\) inserted by 2016 c. 19 Sch. 12 para. 14\(4\)](#)
- [Sch. 3 para. 7C\(1\)\(c\) word substituted by S.I. 2019/745 reg. 12\(5\)\(d\)](#) (This amendment not applied to [legislation.gov.uk](#). [Reg. 12\(5\)\(a\)\(c\)\(d\)](#) omitted immediately before IP completion day by virtue of [S.I. 2020/1309](#), regs. 1(2)(a), 48)
- [Sch. 5 para. 3\(1\) Sch. 5 para. 3 renumbered as Sch. 5 para. 3\(1\) by 2005 c. 4 Sch. 4 para. 407\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). The "original amending provision" is already fully in force, see [Sch. 4 paras. 361, 407\(5\)](#))
- [Sch. 5 para. 3\(2\)-\(4\) inserted by 2005 c. 4 Sch. 4 para. 407\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). The "original amending provision" is already fully in force, see [Sch. 4 paras. 361, 407\(5\)](#))
- [Sch. 5 para. 3\(1\) words inserted by 2005 c. 4 Sch. 4 para. 407\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). The "original amending provision" is already fully in force, see [Sch. 4 paras. 361, 407\(5\)](#))