



# UK Borders Act 2007

## 2007 CHAPTER 30

### *Deportation of criminals*

#### **34 Timing**

- (1) Section 32(5) requires a deportation order to be made at a time chosen by the Secretary of State.
- (2) A deportation order may not be made under section 32(5) while an appeal or further appeal against the conviction or sentence by reference to which the order is to be made—
  - (a) has been instituted and neither withdrawn nor determined, or
  - (b) could be brought.
- (3) For the purpose of subsection (2)(b)—
  - (a) the possibility of an appeal out of time with permission shall be disregarded, and
  - (b) a person who has informed the Secretary of State in writing that the person does not intend to appeal shall be treated as being no longer able to appeal.
- (4) The Secretary of State may withdraw a decision that section 32(5) applies, or revoke a deportation order made in accordance with section 32(5), for the purpose of—
  - (a) taking action under the Immigration Acts or rules made under section 3 of the Immigration Act 1971 (c. 77) (immigration rules), and
  - (b) subsequently taking a new decision that section 32(5) applies and making a deportation order in accordance with section 32(5).

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#### **Commencement Information**

**II** [S. 34](#) in force at 1.8.2008 for specified purposes by [S.I. 2008/1818](#), art. 2(a), [Sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the UK Borders Act 2007, Section 34.