



UK Borders Act 2007

2007 CHAPTER 30

Deportation of criminals

38 Interpretation

- (1) In section 32(2) the reference to a person who is sentenced to a period of imprisonment of at least 12 months—
 - (a) does not include a reference to a person who receives a suspended sentence (unless a court subsequently orders that the sentence or any part of it (of whatever length) is to take effect),
 - (b) does not include a reference to a person who is sentenced to a period of imprisonment of at least 12 months only by virtue of being sentenced to consecutive sentences amounting in aggregate to more than 12 months,
 - (c) includes a reference to a person who is sentenced to detention, or ordered or directed to be detained, in an institution other than a prison (including, in particular, a hospital or an institution for young offenders) for at least 12 months, and
 - (d) includes a reference to a person who is sentenced to imprisonment or detention, or ordered or directed to be detained, for an indeterminate period (provided that it may last for 12 months).
- (2) In section 32(3)(b) the reference to a person who is sentenced to a period of imprisonment—
 - (a) does not include a reference to a person who receives a suspended sentence (unless a court subsequently orders that the sentence or any part of it is to take effect), and
 - (b) includes a reference to a person who is sentenced to detention, or ordered or directed to be detained, in an institution other than a prison (including, in particular, a hospital or an institution for young offenders).
- (3) For the purposes of section 32 a person subject to an order under section 5 of the Criminal Procedure (Insanity) Act 1964 (c. 84) (insanity, &c.) has not been convicted of an offence.
- (4) In sections 32 and 33—

Changes to legislation: There are currently no known outstanding effects for the UK Borders Act 2007, Section 38. (See end of Document for details)

- (a) “British citizen” has the same meaning as in section 3(5) of the Immigration Act 1971 (c. 77) (and section 3(8) (burden of proof) shall apply),
- (b) “Convention rights” has the same meaning as in the Human Rights Act 1998 (c. 42),
- (c) “deportation order” means an order under section 5, and by virtue of section 3(5), of the Immigration Act 1971, and
- (d) “the Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and its Protocol.

Commencement Information

II S. 38 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 38.