



Illegal Migration Act 2023

2023 CHAPTER 37

Legal proceedings

PROSPECTIVE

55 Interim measures of the European Court of Human Rights

- (1) This section applies where the European Court of Human Rights indicates an interim measure in proceedings relating to the intended removal of a person from the United Kingdom under, or purportedly under, this Act.
- (2) A Minister of the Crown may (but need not) determine that the duty in section 2(1) (duty to make arrangements for removal) is not to apply in relation to the person.
- (3) A decision as to whether or not to make a determination under subsection (2) is to be taken personally by the Minister of the Crown.
- (4) In considering whether to make a determination under subsection (2), the Minister may have regard to any matter that the Minister considers relevant, including in particular the matter in subsection (5).
- (5) The matter mentioned in subsection (4) is the procedure by reference to which the interim measure was indicated, including in particular—
 - (a) whether the government of the United Kingdom was given an opportunity to present observations and information before the interim measure was indicated;
 - (b) the form of the decision to indicate the interim measure;
 - (c) whether the European Court of Human Rights will take account of any representations made to it by the government of the United Kingdom seeking reconsideration, without undue delay, of the decision to indicate the interim measure;
 - (d) the likely duration of the interim measure and the timing of any substantive determination by the European Court of Human Rights.

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Illegal Migration Act 2023, Section 55. (See end of Document for details)

- (6) Where a Minister of the Crown does not make a determination under subsection (2), a person or body to which subsection (7) applies may not have regard, in the circumstances mentioned in subsection (7), to the interim measure.
- (7) This subsection applies to—
- (a) the Secretary of State or an immigration officer when exercising a function under section 2(1) or 8(2), (8) or (9) (further provisions about removal),
 - (b) the Upper Tribunal when considering any application or appeal under this Act, and
 - (c) a court or tribunal when considering any application or appeal which relates to a decision to remove a person from the United Kingdom under this Act.
- (8) No inference is to be drawn from this section as to whether or not a person or body mentioned in subsection (7) would otherwise have been required to have regard to the interim measure.
- (9) Nothing in this Act requires the Secretary of State or an immigration officer to effect the removal of a person from the United Kingdom pending a decision by a Minister of the Crown as to whether or not to make a determination under subsection (2).
- (10) In this section—
- “decision” includes any purported decision;
 - “determination” includes any purported determination.

Commencement Information

II S. 55 not in force at Royal Assent, see [s. 68\(1\)](#)

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Illegal Migration Act 2023, Section 55.