

**2008 No. 99 (C. 2)**

**IMMIGRATION**

**The UK Borders Act 2007 (Commencement No. 1 and  
Transitional Provisions) Order 2008**

*Made* - - - -

*17th January 2008*

The Secretary of State makes the following Order in exercise of the powers conferred by section 59(2) to (4) of the UK Borders Act 2007<sup>(a)</sup>.

**Citation and interpretation**

**1.**—(1) This Order may be cited as the UK Borders Act 2007 (Commencement No. 1 and Transitional Provisions) Order 2008.

(2) In this Order “the 2007 Act” means the UK Borders Act 2007.

**Commencement**

**2.** The following provisions of the 2007 Act shall come into force on 31st January 2008—

- (a) sections 1 to 4 (detention at ports);
- (b) sections 5 to 8 (biometric registration: regulations);
- (c) section 10 (biometric registration: objection to penalty) for the purposes of making an order under subsections (2) and (4);
- (d) section 11 (biometric registration: appeal in respect of penalty) for the purposes of making rules under subsection (6);
- (e) section 13 for the purposes of issuing a code of practice under subsection (1) and making an order under subsection (6) (biometric registration: code of practice regarding penalty);
- (f) sections 14 and 15 (biometric registration: prescribed matters and interpretation);
- (g) subject to article 3, section 16 (conditional leave to enter or remain);
- (h) section 18 (support for asylum-seekers: enforcement);
- (i) section 20 (fees);
- (j) sections 22 and 23 (assaulting an immigration officer: offence and power of arrest);
- (k) subject to article 4, section 26 (disposal of property) for the purposes of making regulations under subsection (5);
- (l) sections 29 to 31 (facilitation and trafficking);
- (m) sections 40 to 43 (supply and wrongful disclosure of information); and
- (n) in the Schedule (repeals) the entries relating to—

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<sup>(a)</sup> 2007 c. 30.

- (i) the Immigration Act 1971(a);
- (ii) the Immigration and Asylum Act 1999(b);
- (iii) section 130 of the Nationality, Immigration and Asylum Act 2002(c);
- (iv) the Commissioners for Revenue and Customs Act 2005(d); and
- (v) the Immigration, Asylum and Nationality Act 2006(e).

### **Transitional provisions**

3. A condition under section 3(1)(c)(iv) and (v) of the Immigration Act 1971 (general provisions for regulation and control)(f) may be added to leave given before the passing of the 2007 Act.

4. Regulations made under section 26(5) of the 2007 Act may have effect in relation to property which came into the possession of an immigration officer or the Secretary of State before the passing of the 2007 Act.

Home Office  
17th January 2008

*Liam Byrne*  
Minister of State

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings into force provisions of the UK Borders Act 2007. The provisions specified in article 2 are brought into force on 31st January 2008. In some cases those provisions are commenced partially and in some cases they are commenced subject to transitional provision contained in articles 3 and 4.

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- (a) 1971 c. 77.
  - (b) 1999 c. 33.
  - (c) 2002 c. 41.
  - (d) 2005 c. 11.
  - (e) 2006 c. 13.
  - (f) Section 3(1)(c)(iv) and (v) is inserted into the Immigration Act 1971 by section 16 of the 2007 Act.

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