



# Immigration Act 1971

## 1971 CHAPTER 77

### PART IV

#### SUPPLEMENTARY

### 33 Interpretation.

- (1) For purposes of this Act, except in so far as the context otherwise requires—
- “aircraft” includes hovercraft, “airport” includes hoverport and “port” includes airport;
  - “captain” means master (of a ship) or commander (of an aircraft);
  - [<sup>F1</sup>“certificate of entitlement” means a certificate under section 10 of the Nationality, Immigration and Asylum Act 2002 that a person has the right of abode in the United Kingdom;]
  - <sup>F2</sup> . . .
  - [<sup>F3</sup>“Convention adoption” has the same meaning as in the <sup>M1</sup>Adoption Act 1976 and [<sup>F4</sup>the Adoption and Children (Scotland) Act 2007][<sup>F5</sup>or in the Adoption and Children Act 2002];]
  - “crew”, in relation to a ship or aircraft, means all persons actually employed in the working or service of the ship or aircraft, including the captain, and “member of the crew” shall be construed accordingly;
  - [<sup>F6</sup> “entrant” means a person entering or seeking to enter the United Kingdom and “illegal entrant” means a person—
    - (a) unlawfully entering or seeking to enter in breach of a deportation order or of the immigration laws, or
    - (b) entering or seeking to enter by means which include deception by another person,and includes also a person who has entered as mentioned in paragraph (a) or (b) above;]
  - “entry clearance” means a visa, entry certificate or other document which, in accordance with the immigration rules, is to be taken as evidence [<sup>F7</sup>or the

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requisite evidence] of a person’s eligibility, though not [<sup>F8</sup>a British citizen], for entry into the United Kingdom (but does not include a work permit);

“immigration laws” means this Act and any law for purposes similar to this Act which is for the time being or has (before or after the passing of this Act) been in force in any part of the United Kingdom and Islands;

“immigration rules” means the rules for the time being laid down as mentioned in section 3(2) above;

“the Islands” means the Channel Islands and the Isle of Man, and “the United Kingdom and Islands” means the United Kingdom and the Islands taken together;

“legally adopted” means adopted in pursuance of an order made by any court in the United Kingdom and Islands [<sup>F9</sup>, under a Convention adoption] or by any adoption specified as an overseas adoption by order of the Secretary of State under [<sup>F10</sup>section 4 of the <sup>M2</sup>Adoption Act 1968][<sup>F11</sup>section 87 of the Adoption and Children Act 2002][<sup>F12</sup>or by regulations made by the Scottish Ministers under section 67(1) of the Adoption and Children (Scotland) Act 2007];

“limited leave” and “indefinite leave” mean respectively leave under this Act to enter or remain in the United Kingdom which is, and one which is not, limited as to duration;

“settled” shall be construed in accordance [<sup>F13</sup>with subsection (2A) below;]

“ship” includes every description of vessel used in navigation;

<sup>F2</sup>  
 . . .

[<sup>F14</sup>“United Kingdom passport” means a current passport issued by the Government of the United Kingdom, or by the Lieutenant-Governor of any of the Islands, or by the Government of any territory which is for the time being a dependent territory within the meaning of the <sup>M3</sup>British Nationality Act 1981;]

“work permit” means a permit indicating, in accordance with the immigration rules, that a person named in it is eligible, though not [<sup>F8</sup>a British citizen], for entry into the United Kingdom for the purpose of taking employment.

[<sup>F15</sup>(1A) A reference to being an owner of a vehicle, ship or aircraft includes a reference to being any of a number of persons who jointly own it.]

(2) It is hereby declared that, except as otherwise provided in this Act, a person is not to be treated for the purposes of any provision of this Act as ordinarily resident in the United Kingdom or in any of the Islands at a time when he is there in breach of the immigration laws.

[<sup>F16</sup>(2A) Subject to section 8(5) above, references to a person being settled in the United Kingdom are references to his being ordinarily resident there without being subject under the immigration laws to any restriction on the period for which he may remain.]

(3) The ports of entry for purposes of this Act, and the ports of exit for purposes of any Order in Council under section 3(7) above, shall be such ports as may from time to time be designated for the purpose by order of the Secretary of State made by statutory instrument.

[<sup>F17</sup>(4) For the purposes of this Act, the question of whether an appeal is pending shall be determined [<sup>F18</sup>in accordance with section 104 of the Nationality, Immigration and Asylum Act 2002 (pending appeals)]]

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- (5) This Act shall not be taken to supersede or impair any power exercisable by Her Majesty in relation to aliens by virtue of Her prerogative.

#### Textual Amendments

- F1** S. 33(1): definition of "certificate of entitlement" substituted (21.12.2006) by 2002 c. 41, s. 10(5)(b) (with s. 159); S.I. 2006/3144, **art. 2**
- F2** Definitions of "Concessionaires" and "tunnel system" repealed (2.8.1993) by S.I. 1993/1813, arts. 9, 1, **Sch. 6 Pt. I**
- F3** Definition of "Convention adoption" inserted (1.6.2003) by 1999 c. 18, s. 15(1), Sch. 2 para. 2(a) (with s. 17(1)); S.I. 2003/362, **art. 2**
- F4** Words in definition of "Convention adoption" in s. 33(1) substituted (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 1 para. 1(a)**
- F5** Words in definition of "Convention adoption" in s. 33(1) inserted (30.12.2005) by 2002 c. 38, s. 139, Sch. 3 para. 15(a) (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(o)**
- F6** S. 33: Definitions of "entrant" and "illegal entrant" substituted (1.10.1996) by 1996 c. 49, s. 12(1), **Sch. 2 para. 4(1)**; S.I. 1996/2053, art. 2, **Sch. Pt. III**
- F7** Words inserted by Immigration Act 1988 (c. 14, SIF 62), s. 10, **Sch. para. 5**
- F8** Words substituted by British Nationality Act 1981 (c. 61), s. 52(7), **Sch. 4 para. 2** (with Sch. 8 para. 8)
- F9** Words in definition of "legally adopted" inserted (1.6.2003) by 1999 c. 18, s. 15(1), Sch. 2 para. 2(b) (with s. 17(1)); S.I. 2003/362, **art. 2**
- F10** In s. 33(1) in the definition of "legally adopted" the words "section 72(2) of the Adoption Act 1976" substituted (E.W.) for the words "section 4 of the Adoption Act 1968" by Adoption Act 1976 (c. 36), s. 73(2), **Sch. 3 Pt. I para. 17**
- F11** In s. 33(1) in the definition of "legally adopted" the words "section 87 of the Adoption and Children Act 2002" substituted (30.12.2005) for the words "section 72(2) of the Adoption Act 1976" by 2002 c. 38, s. 139, Sch. 3 para. 15(b) (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(o)**
- F12** Words in definition of "legally adopted" in s. 33(1) inserted (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 1 para. 1(b)**
- F13** Words substituted by British Nationality Act 1981 (c. 61), s. 52(7), **Sch. 4 para. 7(a)(i)** (with Sch. 8 para. 8)
- F14** Definition inserted by British Nationality Act 1981 (c. 61), s. 52(7), **Sch. 4 para. 7(a)(ii)** (with Sch. 8 para. 8)
- F15** S. 33(1A) inserted (10.2.2003) by 2002 c. 41, s. 144(8) (with s. 159); S.I. 2003/1, **art. 2**, Sch.
- F16** S. 33(2A) inserted by British Nationality Act 1981 (c. 61), s. 52(7), **Sch. 4 para. 7(b)** (with Sch. 8 para. 8)
- F17** S. 33(4) substituted (2.10.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, **55**; S.I. 2000/2444, art. 2, **Sch. 1** (subject to transitional provisions in art. 3, Sch. 2 para. 2)
- F18** Words in s. 33(4) substituted (1.4.2003) by 2002 c. 41, s. 114, Sch. 7 para. 1 (with s. 159); S.I. 2003/754, **art. 2**, Sch. 1 (with transitional provisions in arts. 3, 4, Sch. 2 (as amended by S.I. 2003/1040 and 2003/1339))

#### Modifications etc. (not altering text)

- C1** S. 33 modified (2.8.1993) by S.I. 1993/1813, arts. 7(1), 1, **Sch. 4 para. 1(10)** (as amended (1.12.1997) by S.I. 1994/1405, art. 8, **Sch. 4 para. 11** Table)  
S. 33 extended (with modifications) to Guernsey (1.8.1993) by S.I. 1993/1796, art. 3(1), **Sch. 1 Pt. I**  
S. 33 extended (with modifications) to Jersey (1.8.1993) by S.I. 1993/1797, art. 3(1), Sch. 1 Pt. I (as amended (5.6.2003) by S.I. 2003/1252, **art. 3**) (as amended (17.10.2012) by S.I. 2012/2593, arts. 1, **2(2)**)

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**Marginal Citations**

**M1** 1976 c. 36.

**M2** 1968 c. 53.

**M3** 1981 c. 61.

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