



# Immigration Act 1971

## 1971 CHAPTER 77

### PART I

#### REGULATION OF ENTRY INTO AND STAY IN UNITED KINGDOM

#### **8 Exceptions for seamen, aircrews and other special cases.**

- (1) Where a person arrives at a place in the United Kingdom as a member of the crew of a ship or aircraft under an engagement requiring him to leave on that ship as a member of the crew, or to leave within seven days on that or another aircraft as a member of its crew, then unless either—
- (a) there is in force a deportation order made against him; or
  - (b) he has at any time been refused leave to enter the United Kingdom and has not since then been given leave to enter or remain in the United Kingdom; or
  - (c) an immigration officer requires him to submit to examination in accordance with Schedule 2 to this Act;

he may without leave enter the United Kingdom at that place and remain until the departure of the ship or aircraft on which he is required by his engagement to leave.

[<sup>F1</sup>(1A) Subsection (1) does not apply in relation to a member of the crew of a ship who is an offshore worker within the meaning of section 11A.]

- (2) The Secretary of State may by order exempt any person or class of persons, either unconditionally or subject to such conditions as may be imposed by or under the order, from all or any of the provisions of this Act relating to those who are not [<sup>F2</sup>British citizens].

An order under this subsection, if made with respect to a class of persons, shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

- (3) [<sup>F3</sup>Subject to subsection (3A) below,] the provisions of this Act relating to those who are not [<sup>F2</sup>British citizens] shall not apply to any person so long as he is a member of a mission (within the meaning of the <sup>M1</sup>Diplomatic Privileges Act 1964), a person who is a member of the family and forms part of the household of such a member, or

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a person otherwise entitled to the like immunity from jurisdiction as is conferred by that Act on a diplomatic agent.

[<sup>F4</sup>(3A) For the purposes of subsection (3), a member of a mission other than a diplomatic agent (as defined by the 1964 Act) is not to count as a member of a mission unless—

- (a) he was resident outside the United Kingdom, and was not in the United Kingdom, when he was offered a post as such a member; and
- (b) he has not ceased to be such a member after having taken up the post.]

(4) The provisions of this Act relating to those who are not [<sup>F2</sup>British citizens], other than the provisions relating to deportation, shall also not apply to any person so long as either—

- (a) he is subject, as a member of the home forces, to service law; or
- (b) being a member of a Commonwealth force or of a force raised under the law of any <sup>F5</sup>. . . colony, protectorate or protected state, is undergoing or about to undergo training in the United Kingdom with any body, contingent or detachment of the home forces; or
- (c) he is serving or posted for service in the United Kingdom as a member of a visiting force or of any force raised as aforesaid or as a member of an international headquarters or defence organisation designated for the time being by an Order in Council under section 1 of the <sup>M2</sup>International Headquarters and Defence Organisations Act 1964.

(5) Where a person having a limited leave to enter or remain in the United Kingdom becomes entitled to an exemption under this section, that leave shall continue to apply after he ceases to be entitled to the exemption, unless it has by then expired [<sup>F6</sup>or otherwise ceased to be in force ]; and a person is not to be regarded for purposes of this Act as having been [<sup>F7</sup>settled in the United Kingdom at any time when he was entitled under the former immigration laws to any exemption corresponding to any of those afforded by subsection (3) or (4)(b) or (c) above or by any order under subsection (2) above.]

[<sup>F8</sup>(5A) An order under subsection (2) above may, as regards any person or class of persons to whom it applies, provide for that person or class to be in specified circumstances regarded (notwithstanding the order) as settled in the United Kingdom for the purposes of section 1(1) of the <sup>M3</sup>British Nationality Act 1981.]

(6) In this section “the home forces” means any of Her Majesty’s forces other than a Commonwealth force or a force raised under the law of any associated state, colony, protectorate or protected state; “Commonwealth force” means a force of any country to which provisions of the <sup>M4</sup>Visiting Forces Act 1952 apply without an Order in Council under section 1 of the Act; and “visiting force” means a body, contingent or detachment of the forces of a country to which any of those provisions apply, being a body, contingent or detachment for the time being present in the United Kingdom on the invitation of Her Majesty’s Government in the United Kingdom.

#### Textual Amendments

- F1** S. 8(1A) inserted (12.4.2023) by [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(1), [Sch. 6 para. 2](#); [S.I. 2023/283](#), reg. 3(b)
- F2** Words substituted by [British Nationality Act 1981 \(c. 61\)](#), s. 52(7), [Sch. 4 para. 2](#) (with [Sch. 8 para. 8](#))
- F3** Words inserted by [Immigration Act 1988 \(c. 14, SIF 62\)](#), s. 4

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- F4** S. 8(3A) substituted (1.3.2000) by 1999 c. 33, s. 6; S.I. 2000/168, art. 2, Sch. (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)
- F5** Words in s. 8(4)(b) repealed (8.11.1995) by 1995 c. 44, s. 1, Sch. 1 Pt. II Group 1
- F6** Words in s. 8(5) inserted (12.7.2016) by Immigration Act 2016 (c. 19), ss. 76(1), 94(1); S.I. 2016/603, reg. 3(n)
- F7** Words substituted by British Nationality Act 1981 (c. 61), s. 52(7), Sch. 4 para. 5 (with Sch. 8 para. 8)
- F8** S. 8(5A) inserted by British Nationality Act 1981 (c. 61), ss. 39(4), 52(7) (with Sch. 8 para. 8)

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

- C1** Ss. 1-9, 11 extended (with modifications) (Guernsey) (1.8.1993) by The Immigration (Guernsey) Order 1993 (S.I. 1993/1796), arts. 1, 3(1), Sch. 1 Pt. 1
- C2** Ss. 1-9, 11 extended (with modifications) (Jersey) (1.8.1993) by The Immigration (Jersey) Order 1993 (S.I. 1993/1797), arts. 1, 3(1), Sch. 1 Pt. 1 (as amended (17.10.2012) by S.I. 2012/2593, arts. 1, 2(2); and (coming into force in accordance with art. 1 of the amending S.I.) by S.I. 2017/981, Sch. Pt. 1 para. 1 (with art. 6))
- C3** S. 8 modified (30.9.2020 immediately after the entry into force of S.I. 2020/915, art. 5) by The Channel Tunnel (Arrangements with the Kingdom of the Netherlands) Order 2020 (S.I. 2020/916), arts. 1(3), 6
- C4** S. 8 modified by S.I. 1994/1405, art. 7 (as amended (coming into force in accordance with art. 1(3) of the amending S.I.) by The Channel Tunnel (International Arrangements and Miscellaneous Provisions) (Amendment) Order 2020 (S.I. 2020/915), arts. 1(3), 11)
- C5** S. 8(1) modified (2.8.1993) by S.I. 1993/1813, arts. 7(1), 1, Sch. 4 para. 1(4)
- C6** S. 8(3) extended by State Immunity Act 1978 (c. 33), s. 20(3)

#### Marginal Citations

- M1** 1964 c. 81.
- M2** 1964 c. 5.
- M3** 1981 c. 61.
- M4** 1952 c. 67.

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