



# Immigration and Asylum Act 1999

## 1999 CHAPTER 33

### PART I

#### IMMIGRATION: GENERAL

##### *Removal from the United Kingdom*

#### **9 Treatment of certain overstayers.**

- (1) During the regularisation period overstayers may apply, in the prescribed manner, for leave to remain in the United Kingdom.
- (2) The regularisation period begins on the day prescribed for the purposes of this subsection and is not to be less than three months.
- (3) The regularisation period ends—
  - (a) on the day prescribed for the purposes of this subsection; or
  - (b) if later, on the day before that on which section 65 comes into force.
- (4) Section 10 and paragraph 12 of Schedule 15 come into force on the day after that on which the regularisation period ends
- (5) The Secretary of State must publicise the effect of this section in the way appearing to him to be best calculated to bring it to the attention of those affected.
- (6) “Overstayer” means a person who, having only limited leave to enter or remain in the United Kingdom, remains beyond the time limited by the leave.

#### **[<sup>F1</sup>10 Removal of persons unlawfully in the United Kingdom**

- (1) A person [<sup>F2</sup>is liable to removal] from the United Kingdom <sup>F3</sup>... if the person requires leave to enter or remain in the United Kingdom but does not have it.
- [<sup>F4</sup>(2) Where a person (“P”) is liable to removal, or has been removed, from the United Kingdom under this section, a member of P’s family who meets the following three

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conditions is also liable to removal from the United Kingdom, provided that the Secretary of State or an immigration officer has given the family member written notice of the fact that they are liable to removal.]

- (3) The first condition is that the family member is—
  - (a) P's partner,
  - (b) P's child, or a child living in the same household as P in circumstances where P has care of the child,
  - (c) in a case where P is a child, P's parent, or
  - (d) an adult dependent relative of P.
- (4) The second condition is that—
  - (a) in a case where the family member has leave to enter or remain in the United Kingdom, that leave was granted on the basis of his or her family life with P;
  - (b) in a case where the family member does not have leave to enter or remain in the United Kingdom, in the opinion of the Secretary of State or immigration officer the family member—
    - (i) would not, on making an application for such leave, be granted leave in his or her own right, but
    - (ii) would be granted leave on the basis of his or her family life with P, if P had leave to enter or remain.
- (5) The third condition is that the family member is [<sup>F5</sup>none of the following—
  - (a) a British citizen,
  - (b) an Irish citizen,
  - (c) a person who has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules.]
- (6) A notice given to a family member under subsection (2) invalidates any leave to enter or remain in the United Kingdom previously given to the family member.
- [<sup>F6</sup>(6A) A person who is liable to removal from the United Kingdom under this section may be removed only under the authority of the Secretary of State or an immigration officer and in accordance with sections 10A to 10E.]
- (7) For the purposes of removing a person from the United Kingdom under [<sup>F7</sup>this section], the Secretary of State or an immigration officer may give any such direction for the removal of the person as may be given under paragraphs 8 to 10 of Schedule 2 to the 1971 Act.
- (8) But subsection (7) does not apply where a deportation order is in force against a person (and any directions for such a person's removal must be given under Schedule 3 to the 1971 Act).
- (9) The following paragraphs of Schedule 2 to the 1971 Act apply in relation to directions under subsection (7) (and the persons subject to those directions) as they apply in relation to directions under paragraphs 8 to 10 of Schedule 2 (and the persons subject to those directions)—
  - (a) paragraph 11 (placing of person on board ship or aircraft);
  - (b) paragraph [<sup>F8</sup>16(2) to (2B), (3) and (4)] (detention of person where reasonable grounds for suspecting removal directions may be given or pending removal in pursuance of directions);

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- (c) paragraph 17 (arrest of person liable to be detained and search of premises for person liable to arrest);
  - [<sup>F9</sup>(ca) paragraph 17A (period for which persons may be detained);]
  - (d) paragraph 18 (supplementary provisions on detention);
  - (e) paragraph 18A (search of detained person);
  - (f) paragraph 18B (detention of unaccompanied children);
  - (g) paragraphs 19 and 20 (payment of expenses of custody etc);
  - <sup>F10</sup>(h) .....
  - <sup>F10</sup>(i) .....
  - (j) paragraphs 25A to 25E (searches etc).
- (10) The Secretary of State may by regulations make further provision about—
- (a) the time period during which a family member may be removed under [<sup>F11</sup>this section];
  - (b) the service of a notice under subsection (2) [<sup>F12</sup>or sections 10A to 10E].
- (11) In this section “child” means a person who is under the age of 18.]

#### Textual Amendments

- F1** S. 10 substituted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 1**, 75(3); S.I. 2014/2771, art. 2(a) (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9))
- F2** Words in s. 10(1) substituted (20.11.2023) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 46(2)(a)**, 87(1); S.I. 2023/1130, reg. 2(a) (with reg. 3)
- F3** Words in s. 10(1) omitted (20.11.2023) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 46(2)(b)**, 87(1); S.I. 2023/1130, reg. 2(a) (with reg. 3)
- F4** S. 10(2) substituted (20.11.2023) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 46(3)**, 87(1); S.I. 2023/1130, reg. 2(a) (with reg. 3)
- F5** Words in s. 10(5) substituted (1.7.2021) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(c), **12(2)**
- F6** S. 10(6A) inserted (20.11.2023) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 46(4)**, 87(1); S.I. 2023/1130, reg. 2(a) (with reg. 3)
- F7** Words in s. 10(7) substituted (20.11.2023) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 46(5)**, 87(1); S.I. 2023/1130, reg. 2(a) (with reg. 3)
- F8** Words in s. 10(9)(b) substituted (28.9.2023) by [Illegal Migration Act 2023 \(c. 37\)](#), **ss. 12(3)(a)**, 68(1) (with s. 55(9)); S.I. 2023/989, reg. 2(a)
- F9** S. 10(9)(ca) inserted (28.9.2023) by [Illegal Migration Act 2023 \(c. 37\)](#), **ss. 12(3)(b)**, 68(1) (with s. 55(9)); S.I. 2023/989, reg. 2(a)
- F10** S. 10(9)(h)(i) omitted (15.1.2018) by virtue of [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 10 para. 27**; S.I. 2017/1241, reg. 2(c) (with [Sch.](#)) (as amended by S.I. 2018/31, reg. 2)
- F11** Words in s. 10(10)(a) substituted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 46(6)(a)**, 87(1); S.I. 2022/590, regs. 1(2), 2, **Sch. 1 para. 23**
- F12** Words in s. 10(10)(b) inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 46(6)(b)**, 87(1); S.I. 2022/590, regs. 1(2), 2, **Sch. 1 para. 23**

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

- C1** S. 10 applied (1.2.2017 for specified purposes) by [The Immigration \(European Economic Area\) Regulations 2016 \(S.I. 2016/1052\)](#), regs. 1(2)(b), **32(2)**

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**C2** S. 10 applied (with modifications) (31.12.2020) by [The Citizens' Rights \(Application Deadline and Temporary Protection\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1209\)](#), regs. 1(1), **3(4)**, 4(5), 12(1)(h)

## **[<sup>F13</sup>10A Removal: general notice requirements**

- (1) This section applies to a person who is liable to removal under section 10; but see sections 10C to 10E for the circumstances in which such a person may be removed otherwise than in accordance with this section.
- (2) The person may be removed if—
  - (a) the Secretary of State or an immigration officer has given the person—
    - (i) a notice of intention to remove (see subsection (3)), and
    - (ii) a notice of departure details (see subsection (4)), and
  - (b) any notice period has expired.
- (3) A notice of intention to remove is a written notice which—
  - (a) states that the person is to be removed,
  - (b) sets out the notice period, (see subsection (7)), and
  - (c) states the destination to which the person is to be removed.
- (4) A notice of departure details under this section is a written notice which—
  - (a) states the date on which the person is to be removed,
  - (b) states the destination to which the person is to be removed and any stops that are expected to be made on the way to that destination, and
  - (c) if subsection (6) applies, sets out the notice period (see subsection (7)).
- (5) The notice of intention to remove and the notice of departure details may be combined.
- (6) This subsection applies if the notice of departure details states, under subsection (4) (b)—
  - (a) a destination which is different to the destination stated under subsection (3) (c) in the notice of intention to remove, or
  - (b) any stops that were not stated in the notice of intention to remove, other than a stop in—
    - (i) the United Kingdom, or
    - (ii) a country that is for the time being specified in Part 2 of Schedule 3 to the Asylum and Immigration (Treatment of Claimants, etc) Act 2004.
- (7) The notice period must be no shorter than the period of five working days beginning with the day after the day on which the person is given the notice.
- (8) At any time before the person is removed, the Secretary of State or an immigration officer may replace a notice of departure details under this section.
- (9) This section is subject to section 10B (failed removals).
- (10) In this section “working day” means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971 in the part of the United Kingdom where the person is when they are given the notice.

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#### Textual Amendments

**F13** Ss. 10A-10E inserted (20.11.2023 except for the insertion of s. 10D(1)-(7)) by [Nationality and Borders Act 2022 \(c. 36\)](#), [ss. 46\(7\)](#), 87(1); [S.I. 2023/1130](#), [reg. 2\(b\)](#) (with [reg. 3](#))

### 10B Failed removals

- (1) This section applies where as a result of matters reasonably beyond the control of the Secretary of State, such as—
  - (a) adverse weather conditions,
  - (b) technical faults or other issues causing delays to transport, or
  - (c) disruption by the person to be removed or others,a person is not removed from the United Kingdom on the date stated in a notice of departure details under section 10A (“the original notice”).
- (2) The person may be removed from the United Kingdom if—
  - (a) the Secretary of State or an immigration officer has given the person a notice of departure details (see subsection (3)), and
  - (b) they are removed before the end of the period of 21 days beginning with the date stated in the original notice.
- (3) A notice of departure details under this section is a written notice which—
  - (a) states the date on which the person is to be removed, and
  - (b) states the destination to which the person is to be removed and any stops that are expected to be made on the way to that destination.
- (4) But this section does not apply if the notice under subsection (3) states, under subsection (3)(b)—
  - (a) a destination which is different to the destination stated in the original notice, or
  - (b) any stops that were not stated in the original notice, other than a stop in—
    - (i) the United Kingdom, or
    - (ii) a country that is for the time being specified in Part 2 of Schedule 3 to the Asylum and Immigration (Treatment of Claimants, etc) Act 2004.
- (5) At any time before the person is removed, the Secretary of State or an immigration officer may replace a notice of departure details under this section.

#### Textual Amendments

**F13** Ss. 10A-10E inserted (20.11.2023 except for the insertion of s. 10D(1)-(7)) by [Nationality and Borders Act 2022 \(c. 36\)](#), [ss. 46\(7\)](#), 87(1); [S.I. 2023/1130](#), [reg. 2\(b\)](#) (with [reg. 3](#))

### 10C Removal: notice requirements in port cases

- (1) This section applies to a person who is liable to removal under section 10 if the person was refused leave to enter upon their arrival in the United Kingdom.
- (2) The person may be removed if—

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- (a) the Secretary of State or an immigration officer has given the person a notice of departure details under this section which—
    - (i) states the date on which the person is to be removed, and
    - (ii) states the destination to which the person is to be removed and any stops that are expected to be made on the way to that destination, and
  - (b) the date stated under paragraph (a)(i) is a date before the end of the period of seven days beginning with the day after the day on which the person was refused leave to enter.
- (3) At any time before the person is removed, the Secretary of State or an immigration officer may replace a notice of departure details under this section.

#### Textual Amendments

**F13** Ss. 10A-10E inserted (20.11.2023 except for the insertion of s. 10D(1)-(7)) by [Nationality and Borders Act 2022 \(c. 36\)](#), ss. 46(7), 87(1); S.I. 2023/1130, reg. 2(b) (with reg. 3)

### 10D Removal: PRN recipients

- (1) This section applies to a person who is liable to removal under section 10 and is a PRN recipient.
- (2) If the person does not make a protection claim or a human rights claim before the PRN cut-off date, the person may be removed from the United Kingdom if—
  - (a) the Secretary of State or an immigration officer has given the person a notice of departure details (see subsection (4)), and
  - (b) they are removed before the end of the period of 21 days beginning with the day after the PRN cut-off date.
- (3) If the PRN recipient makes a protection claim or a human rights claim, the person may be removed from the United Kingdom if—
  - (a) the Secretary of State or an immigration officer has given the person a notice of departure details (see subsection (4)),
  - (b) their appeal rights are exhausted, and
  - (c) they are removed before the end of the period of 21 days beginning with the day after the date on which their appeal rights are exhausted;

and for the purposes of this subsection, whether a PRN recipient's appeal rights are exhausted is to be determined in accordance with section 20(3) of the Nationality and Borders Act 2022 (and see, in particular, section 82A of the Nationality, Immigration and Asylum Act 2002).
- (4) A notice of departure details under this section is a written notice which—
  - (a) states the date on which the person is to be removed,
  - (b) states the destination to which the person is to be removed and any stops that are expected to be made on the way to that destination.
- (5) But this section does not apply unless the priority removal notice stated—
  - (a) a destination to which the person is to be removed which is the same as the destination stated in the notice of departure details under subsection (4)(b), and

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- (b) stops, other than stops falling within subsection (6), that are expected to be made on the way to that destination which are the same as those stated in the notice of departure details under subsection (4)(b).
- (6) A stop falls within this subsection if it is a stop in—
  - (a) the United Kingdom, or
  - (b) a country that is for the time being specified in Part 2 of Schedule 3 to the Asylum and Immigration (Treatment of Claimants, etc) Act 2004.
- (7) At any time before the person is removed, the Secretary of State or an immigration officer may replace a notice of departure details under this section.
- (8) For the purposes of this section and section 10E—
  - “priority removal notice”, “PRN cut-off date” and “PRN recipient” have the same meaning as in section 20 of the Nationality and Borders Act 2022;
  - “protection claim” and “human rights claim” have the same meaning as in Part 5 of the Nationality, Immigration and Asylum Act 2002.

#### Textual Amendments

**F13** Ss. 10A-10E inserted (20.11.2023 except for the insertion of s. 10D(1)-(7)) by [Nationality and Borders Act 2022 \(c. 36\)](#), ss. 46(7), 87(1); S.I. 2023/1130, reg. 2(b) (with reg. 3)

### 10E Removal: judicial review

- (1) This section applies to a person (whether or not they are a PRN recipient) who is liable to removal under section 10 where—
  - (a) the person has made an application for judicial review or (in Scotland) an application to the supervisory jurisdiction of the Court of Session, relating to their removal, and
  - (b) a court or tribunal has made a decision the effect of which is that the person may be removed from the United Kingdom.
- (2) The person may be removed from the United Kingdom if—
  - (a) the Secretary of State or an immigration officer has given the person a notice of departure details (see subsection (3)), and
  - (b) they are removed before the end of the period of 21 days beginning with the day after the day on which the court or tribunal made the decision mentioned in subsection (1)(b).
- (3) A notice of departure details under this section is a written notice which—
  - (a) states the date on which the person is to be removed,
  - (b) states the destination to which the person is to be removed and any stops that are expected to be made on the way to that destination.
- (4) But this section does not apply unless the person has received a priority removal notice or a notice of intention to remove under section 10A(3) which stated—
  - (a) a destination to which the person is to be removed which is the same as the destination stated in the notice of departure details under subsection (3)(b), and

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- (b) stops, other than stops falling within subsection (5), that are expected to be made on the way to that destination which are the same as those stated in the notice of departure details under subsection (3)(b).
- (5) A stop falls within this subsection if it is a stop in—
  - (a) the United Kingdom, or
  - (b) a country that is for the time being specified in Part 2 of Schedule 3 to the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.
- (6) At any time before the person is removed, the Secretary of State or an immigration officer may replace a notice of departure details under this section.]

#### Textual Amendments

- F13** Ss. 10A-10E inserted (20.11.2023 except for the insertion of s. 10D(1)-(7)) by [Nationality and Borders Act 2022 \(c. 36\)](#), ss. 46(7), 87(1); S.I. 2023/1130, reg. 2(b) (with reg. 3)

### <sup>F14</sup>11 Removal of asylum claimant under standing arrangement with member States

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#### Textual Amendments

- F14** S. 11 repealed (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), ss. 33(2), 48(3), [Sch. 4](#); S.I. 2004/2523, art. 2, [Sch.](#) (with art. 3)

### <sup>F15</sup>12 Removal of asylum claimants in other circumstances.

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#### Textual Amendments

- F15** S. 12 repealed (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), ss. 33(2), 48(3), [Sch. 4](#); S.I. 2004/2523, art. 2, [Sch.](#) (with art. 3)

### 13 Proof of identity of persons to be removed or deported.

- (1) This section applies if a person—
  - (a) is to be removed from the United Kingdom to a country of which he is a national or citizen; but
  - (b) does not have a valid passport or other document establishing his identity and nationality or citizenship and permitting him to travel.
- (2) If the country to which the person is to be removed indicates that he will not be admitted to it unless identification data relating to him are provided by the Secretary of State, he may provide them with such data.
- (3) In providing identification data, the Secretary of State must not disclose whether the person concerned has made a claim for asylum.



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[<sup>F16</sup>(4) For the purposes of Article 49(1)(d) of the [<sup>F17</sup>UK GDPR], the provision under this section of identification data is a transfer of personal data which is necessary for important reasons of public interest.]

[<sup>F18</sup>(4A) “The UK GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(10) and (14) of that Act).]

(5) “Identification data” means—

- (a) fingerprints taken under section 141; or
- (b) data collected in accordance with regulations made under section 144.

(6) “Removed” means removed as a result of directions given under section 10 or under Schedule 2 or 3 to the 1971 Act.

#### Textual Amendments

**F16** S. 13(4) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 47\(2\)](#) (with [ss. 117, 209, 210](#)); [S.I. 2018/625](#), reg. 2(1)(g)

**F17** Words in s. 13(4) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), [Sch. 3 para. 19\(2\)](#) (with [Sch. 3 para. 112](#)); 2020 c. 1, Sch. 5 para. 1(1)

**F18** S. 13(4A) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), [Sch. 3 para. 19\(3\)](#) (with [Sch. 3 para. 112](#)); 2020 c. 1, Sch. 5 para. 1(1)

## 14 Escorts for persons removed from the United Kingdom under directions.

- (1) Directions for, or requiring arrangements to be made for, the removal of a person from the United Kingdom may include or be amended to include provision for the person who is to be removed to be accompanied by an escort consisting of one or more persons specified in the directions.
- (2) The Secretary of State may by regulations make further provision supplementing subsection (1).
- (3) The regulations may, in particular, include provision—
  - (a) requiring the person to whom the directions are given to provide for the return of the escort to the United Kingdom;
  - (b) requiring him to bear such costs in connection with the escort (including, in particular, remuneration) as may be prescribed;
  - (c) as to the cases in which the Secretary of State is to bear those costs;
  - (d) prescribing the kinds of expenditure which are to count in calculating the costs incurred in connection with escorts.

## <sup>F19</sup>15 Protection of claimants from removal or deportation.

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#### Textual Amendments

- F19** [S. 15](#) repealed (1.4.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), ss. 77(5), 162(1), [Sch. 9](#) (with s. 159); [S.I. 2003/754](#), art. 2(1), [Sch. 1](#) (with arts. 3, 4, [Sch. 2](#) paras. 1(2), 5)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 10(12) inserted by [2023 c. 37 s. 10\(6\)](#)
- s. 40(1)-(1C) substituted for s. 40(1) by [2022 c. 36 s. 76\(2\)](#)
- s. 40(4A)(4B) inserted by [2022 c. 36 s. 76\(5\)](#)
- s. 72(10) repealed by [2004 c. 19 Sch. 4](#)
- s. 94(2A)-(2C) inserted by [2016 c. 19 Sch. 11 para. 3\(3\)](#)
- s. 94(2D) inserted by [2016 c. 19 Sch. 11 para. 7\(4\)](#)
- s. 94(3)(3A) substituted for s. 94(3) by [2002 c. 41 s. 44\(4\)](#) (This amendment is repealed (prosp.) by [2016 c. 19, Sch. 11 para. 41](#))
- s. 94(3A)-(3D) inserted by [2016 c. 19 Sch. 11 para. 3\(5\)](#)
- s. 95A inserted by [2016 c. 19 Sch. 11 para. 9](#)
- s. 96(1A) inserted by [2016 c. 19 Sch. 11 para. 10\(3\)](#)
- s. 97(3A)(b)(iv) inserted by [2022 c. 36 s. 13\(2\)\(c\)\(ii\)](#)
- s. 97(8)(9) inserted by [2016 c. 19 Sch. 11 para. 11\(4\)](#)
- s. 98A inserted by [2016 c. 19 Sch. 11 para. 13](#)
- s. 98A(5) inserted by [2022 c. 36 s. 13\(4\)](#)
- s. 103(4)(a) words substituted by [2004 c. 19 s. 10\(4\)\(b\)](#)
- s. 103(5)(b) word substituted by [S.I. 2008/2833 Sch. 3 para. 183\(ii\)](#)
- s. 103A(1) words substituted by [2004 c. 19 s. 10\(5\)](#)
- s. 103A(1) heading words substituted by [2004 c. 19 s. 10\(5\)](#)
- s. 103A(1) words substituted by [S.I. 2008/2833 Sch. 3 para. 184](#)
- s. 125(2)(ba) inserted by [2016 c. 19 Sch. 11 para. 22\(3\)\(b\)](#)
- s. 146(2)(za) inserted by [2016 c. 19 s. 44\(9\)](#)
- s. 166(5)(ca) substituted for word in s. 166(5)(c) by [2016 c. 19 Sch. 11 para. 24\(2\)](#)
- s. 166(5A)(5B) inserted by [2016 c. 19 Sch. 11 para. 24\(3\)](#)
- s. 166(6)(aa) substituted for word in s. 166(6)(a) by [2016 c. 19 Sch. 11 para. 24\(4\)](#)
- Sch. 2 para. 21 modified by [2002 c. 41 s. 23\(2\)\(a\)](#)
- Sch. 3 para. 2(5) modified by [2002 c. 41 s. 23\(2\)\(b\)](#)