



# Nationality, Immigration and Asylum Act 2002

## 2002 CHAPTER 41

### PART 8

#### GENERAL

#### 157 Consequential and incidental provision

- (1) The Secretary of State may by order make consequential or incidental provision in connection with a provision of this Act.
- (2) An order under this section may, in particular—
  - (a) amend an enactment;
  - (b) modify the effect of an enactment.
- (3) An order under this section must be made by statutory instrument.
- (4) An order under this section which amends an enactment shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament.
- (5) Any other order under this section shall be subject to annulment pursuant to a resolution of either House of Parliament.

#### 158 Interpretation: “the Immigration Acts”

- [<sup>F1</sup>]<sup>F2</sup>(1) A reference to “the Immigration Acts” shall be construed in accordance with section 44 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.]
- (3) The following shall be substituted for section 32(5) of the Immigration Act 1971—
    - “(5) In subsection (4) “the Immigration Acts” has the meaning given by section 158 of the Nationality, Immigration and Asylum Act 2002.”

*Status: Point in time view as at 16/12/2020.*

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- (4) The following shall be substituted for the definition of “the Immigration Acts” in section 167(1) of the Immigration and Asylum Act 1999—

““the Immigration Acts” has the meaning given by section 158 of the Nationality, Immigration and Asylum Act 2002.”]

#### Textual Amendments

- F1** S. 158 ceases to have effect (30.3.2006) and repealed (prosp.) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), ss. 61, 62, **64(3)(c)**, **Sch. 3**
- F2** S. 158(1) substituted (1.10.2004) for s. 158(1)(2) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), ss. 44, 48(1)-(3); S.I. 2004/2523, **art. 2**, Sch.

### 159 Applied provision

- (1) Subsection (2) applies where this Act amends or refers to a provision which is applied by, under or for purposes of—
- (a) another provision of the Act which contains the provision, or
  - (b) another Act.
- (2) The amendment or reference shall have effect in relation to the provision as applied.
- (3) Where this Act applies a provision of another Act, a reference to that provision in any enactment includes a reference to the provision as applied by this Act.

### 160 Money

- (1) Expenditure of the Secretary of State or the Lord Chancellor in connection with a provision of this Act shall be paid out of money provided by Parliament.
- (2) An increase attributable to this Act in the amount payable out of money provided by Parliament under another enactment shall be paid out of money provided by Parliament.
- (3) A sum received by the Secretary of State or the Lord Chancellor in connection with a provision of this Act shall be paid into the Consolidated Fund.

### 161 Repeals

The provisions listed in Schedule 9 are hereby repealed to the extent specified.

#### Commencement Information

- II** S. 161 partly in force; s. 161 in force in relation to specified entry in Sch. 9 at Royal Assent see s. 162(2); s. 161 in force at 8.12.2002 in relation to further specified entries in Sch. 9 by [S.I. 2002/2811](#), **art. 2**, **Sch.**; s. 161 in force at 10.2.2003 in relation to further specified entries by [S.I. 2003/1](#), **art. 2**, **Sch.**; s. 161 in force at 1.4.2003 in relation to further specified entries by [S.I. 2003/754](#), **art. 2**, **Sch. 1**

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## 162 Commencement

- (1) Subject to subsections (2) to (5), the preceding provisions of this Act shall come into force in accordance with provision made by the Secretary of State by order.
- (2) The following provisions shall come into force on the passing of this Act—
  - (a) section 6,
  - (b) section 7,
  - (c) section 10(1) to (4) and (6),
  - (d) section 11,
  - (e) section 15 (and Schedule 2),
  - (f) section 16,
  - (g) section 35(1)(h),
  - (h) section 38,
  - (i) section 40(1),
  - (j) section 41(1),
  - (k) section 42,
  - (l) section 43,
  - (m) section 48,
  - (n) section 49,
  - (o) section 50,
  - (p) section 56,
  - (q) section 58,
  - (r) section 59,
  - (s) section 61,
  - (t) section 67,
  - (u) section 69,
  - (v) section 70,
  - (w) section 115 and paragraph 29 of Schedule 7 (and the relevant entry in Schedule 9),
  - (x) section 157, and
  - (y) section 160.
- (3) Section 5 shall have effect in relation to—
  - (a) an application made after the passing of this Act, and
  - (b) an application made, but not determined, before the passing of this Act.
- (4) Section 8 shall have effect in relation to—
  - (a) an application made on or after a date appointed by the Secretary of State by order, and
  - (b) an application made, but not determined, before that date.
- (5) Section 9 shall have effect in relation to a child born on or after a date appointed by the Secretary of State by order.
- (6) An order under subsection (1) may—
  - (a) make provision generally or for a specified purpose only (which may include the purpose of the application of a provision to or in relation to a particular place or area);
  - (b) make different provision for different purposes;

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- (c) include transitional provision;
- (d) include savings;
- (e) include consequential provision;
- (f) include incidental provision.

(7) An order under this section must be made by statutory instrument.

#### Subordinate Legislation Made

- P1** S. 162(1)(6) power partly exercised: different dates appointed for specified provisions by [S.I. 2002/2811](#), art. 2, Sch.; different dates appointed for specified provisions and purposes by [S.I. 2003/1](#), art. 2, Sch; 10.2.2003 for specified provisions and purposes by [S.I. 2003/249](#), art. 2, Sch.; different dates appointed for specified provisions and purposes by [S.I. 2003/754](#), art. 2, Sch. 1 (as amended by [S.I. 2003/1040](#), [S.I. 2003/1339](#) and [S.I. 2003/2993](#)); 8.4.2003 by [S.I. 2003/1040](#), art. 1; 9.6.2003 by [S.I. 2003/1339](#), art. 2; 19.11.2003 by [S.I. 2003/2993](#), art. 2; 1.1.2004 for specified provisions by [S.I. 2003/3156](#), art. 2 (with arts. 3, 4); 1.5.2004 for specified provision by [S.I. 2004/1201](#), art. 2; different dates appointed for specified provisions by [S.I. 2004/1707](#), arts. 2, 3; 10.12.2004 for specified provision by [S.I. 2004/2998](#), art. 2; 1.11.2005 for specified provision by [S.I. 2005/2782](#), {art. 3(1)} (subject to art. 3(2))
- P2** S. 162(1) power exercised: 30.7.2003 appointed for specified provisions by [S.I. 2003/1747](#), art. 2; 21.12.2006 appointed for specified provision by [S.I. 2006/3144](#), art. 2
- P3** S. 162(1)(5) power exercised: different dates appointed for specified provisions and purposes by [S.I. 2006/1498](#), arts. 2, 3
- P4** S. 162(4) power fully exercised: 1.4.2003 appointed by [S.I. 2003/754](#), art. 2(2)

## 163 Extent

- (1) A provision of this Act which amends or repeals a provision of another Act or inserts a provision into another Act has the same extent as the provision amended or repealed or as the Act into which the insertion is made (ignoring, in any case, extent by virtue of an Order in Council).
- (2) Sections 145 and 146 extend only to—
- (a) England and Wales, and
  - (b) Northern Ireland.
- (3) A provision of this Act to which neither subsection (1) nor subsection (2) applies extends to—
- (a) England and Wales,
  - (b) Scotland, and
  - (c) Northern Ireland.
- (4) Her Majesty may by Order in Council direct that a provision of this Act is to extend, with or without modification or adaptation, to—
- (a) any of the Channel Islands;
  - (b) the Isle of Man.
- (5) Subsection (4) does not apply in relation to the extension to a place of a provision which extends there by virtue of subsection (1).

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

- C1** S. 163(4) power to extend (with modifications) (Channel Islands or Isle of Man) any amendments or repeals made to this Act by 2016 c. 19, to which this section relates (12.5.2016) by [Immigration Act 2016 \(c. 19\)](#), [ss.94\(5\)](#), [95\(6\)\(7\)\(e\)](#)

**164 Short title**

This Act may be cited as the Nationality, Immigration and Asylum Act 2002.

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

- C2** S. 164 extended (Guernsey) (with modifications) (coming into force in accordance with art. 1(1) of the amending S.I.) by [The Immigration \(Guernsey\) Order 2020 \(S.I. 2020/1560\)](#), [arts. 1\(1\), 3](#), [Schs. 2, 2A](#)
- C3** S. 164 extended (Jersey) (coming into force in accordance with art. 1(1) of the amending S.I.) by [The Immigration \(Biometric Information\) \(Jersey\) Order 2018 \(S.I. 2018/1358\)](#), [art. 3](#), [Sch. 2](#)

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