Borders, Citizenship and Immigration Act 2009

2009 CHAPTER 11

PART 4

MISCELLANEOUS AND GENERAL

General

56 Repeals

The Schedule contains repeals.

57 Extent

(1) Subject to the following provisions of this section, this Act extends to—
- (a) England and Wales,
- (b) Scotland, and
- (c) Northern Ireland.

(2) Sections 22 (application of the PACE orders) and 23 (investigations and detention: England and Wales and Northern Ireland) extend to England and Wales and Northern Ireland only.

(3) An amendment, modification or repeal by this Act has the same extent as the enactment or relevant part of the enactment to which it relates (ignoring extent by virtue of an Order in Council under any of the Immigration Acts).

(4) Subsection (3) does not apply to—
- (a) the amendments made by section 52 (detention at ports in Scotland);
- (b) the amendment made by section 54 (trafficking people for exploitation), which extends to England and Wales and Northern Ireland only.

(5) Her Majesty may by Order in Council provide for any of the provisions of this Act, other than any provision of Part 1 (border functions) or section 53 (transfer of certain immigration judicial review applications), to extend, with or without modifications, to any of the Channel Islands or the Isle of Man.

(6) Subsection (5) does not apply in relation to the extension to a place of a provision which extends there by virtue of subsection (3).

58 Commencement

(1) Part 1 (border functions) comes into force on the day this Act is passed.

(2) The provisions of Part 2 (citizenship) come into force on such day as the Secretary of State may by order appoint.

(3) In Part 3 (immigration)—
- (a) section 50 (restriction on studies) comes into force on the day this Act is passed;
- (b) sections 51 (fingerprinting of foreign criminals) and 52 (detention at ports in Scotland) come into force on such day as the Secretary of State may by order appoint.

(4) In this Part—
- (a) section 53 (transfer of certain immigration judicial review applications) comes into force on such day as the Lord Chancellor may by order appoint;
- (b) sections 54 (trafficking people for exploitation) and 55 (duty regarding the welfare of children) come into force on such day as the Secretary of State may by order appoint.

(5) Any repeal in the Schedule (and section 56 so far as relating to the repeal) comes into force in the same way as the provisions of this Act to which the repeal relates.

(6) The other provisions of this Part come into force on the day this Act is passed.

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

(8) An order under this section—
- (a) may appoint different days for different purposes;
- (b) may include transitional or incidental provision or savings.

(9) An order commencing sections 39 to 41 (acquisition of British citizenship by naturalisation) must include provision that the amendments made by those sections do not have effect in relation to an application for naturalisation as a British citizen if—
- (a) the date of the application is before the date on which those sections come into force in accordance with the order ("the date of commencement"), or
- (b) the date of the application is before the end of the period of 24 months beginning with the date of commencement and the application is made by a person who falls within subsection (10) or (11).

(10) A person falls within this subsection if on the date of commencement the person has indefinite leave to remain in the United Kingdom.

(11) A person falls within this subsection if the person is given indefinite leave to remain in the United Kingdom on an application—

(a) the date of which is before the date of commencement, and

(b) which is decided after the date of commencement.

(12) The reference in subsection (9) to an order commencing sections 39 to 41 does not include an order commencing those sections for the purpose only of enabling regulations to be made under the British Nationality Act 1981 (c. 61).

(13) In the case of an order commencing sections 39 to 41, transitional provision may, in particular—

(a) provide that the qualifying period for the purposes of paragraph 1 or 3 of Schedule 1 to the British Nationality Act 1981 includes time before that commencement;

(b) provide for leave to enter or remain in the United Kingdom granted before that commencement to be treated as qualifying temporary residence leave or probationary citizenship leave for the purposes of that Schedule.

(14) In the case of an order commencing section 45 (acquisition of British citizenship through the female line), transitional provision may, in particular, provide that section 45 is to apply to an application made, but not determined, under section 4C of the British Nationality Act 1981 before that commencement.

(15) No order may be made commencing section 52 (detention at ports in Scotland) unless the Secretary of State has consulted the Scottish Ministers.

(16) No order may be made commencing section 53 (transfer of certain immigration judicial review applications) unless the functions of the Asylum and Immigration Tribunal in relation to appeals under Part 5 of the Nationality, Immigration and Asylum Act 2002 (c. 41) have been transferred under section 30(1) of the Tribunals, Courts and Enforcement Act 2007 (c. 15).

59 Short title

This Act may be cited as the Borders, Citizenship and Immigration Act 2009.