



# Nationality and Borders Act 2022

## 2022 CHAPTER 36

### PART 3

#### IMMIGRATION CONTROL

##### *Working in United Kingdom waters: arrival and entry*

#### **43 Working in United Kingdom waters: arrival and entry**

- (1) After section 11 of the Immigration Act 1971 (construction of references to entry etc) insert—

##### **“11A Working in United Kingdom waters**

- (1) An “offshore worker” is a person who arrives in United Kingdom waters—
- (a) for the purpose of undertaking work in those waters, and
  - (b) without first entering the United Kingdom (see, in particular, section 11(1)).

But see subsection (6).

- (2) An offshore worker arrives in the United Kingdom for the purposes of this Act when they arrive in United Kingdom waters as mentioned in subsection (1)(a).
- (3) An offshore worker enters the United Kingdom for the purposes of this Act when they commence working in United Kingdom waters.
- (4) Any reference in, or in a provision made under, the Immigration Acts to a person arriving in or entering the United Kingdom, however expressed, is to be read as including a reference to an offshore worker arriving in or entering the United Kingdom as provided for in subsection (2) or (3).
- (5) References in this section to work, or to a person working, are to be read in accordance with section 24B(10).

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*Changes to legislation: There are currently no known outstanding effects for the Nationality and Borders Act 2022, Section 43. (See end of Document for details)*

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- (6) A person is not an offshore worker if they arrive in United Kingdom waters while working as a member of the crew of a ship that is—
  - (a) exercising the right of innocent passage through the territorial sea or the right of transit passage through straits used for international navigation, or
  - (b) passing through United Kingdom waters from non-UK waters to a place in the United Kingdom or vice versa.
- (7) For the purposes of any provision of, or made under, the Immigration Acts, a person working in United Kingdom waters who, in connection with that work, temporarily enters non-UK waters is not to be treated by virtue of doing so as leaving, or being outside, the United Kingdom.
- (8) In this section—
  - “non-UK waters” means the sea beyond the seaward limits of the territorial sea;
  - “right of innocent passage”, “right of transit passage” and “straits used for international navigation” are to be read in accordance with the United Nations Convention on the Law of the Sea 1982 (Cmnd 8941) and any modifications of that Convention agreed after the passing of the Nationality and Borders Act 2022 that have entered into force in relation to the United Kingdom;
  - “the territorial sea” means the territorial sea adjacent to the United Kingdom;
  - “United Kingdom waters” means the sea and other waters within the seaward limits of the territorial sea.

#### **11B Offshore workers: requirements to notify arrival and entry dates etc**

- (1) The Secretary of State may by regulations make provision for and in connection with requiring—
  - (a) an offshore worker, or
  - (b) if an offshore worker has one, their sponsor;
 to give notice to the Secretary of State or an immigration officer of the dates on which the offshore worker arrives in, enters and leaves the United Kingdom.
- (2) The regulations may make provision for the failure of an offshore worker to comply with a requirement imposed under the regulations to be a ground for—
  - (a) the cancellation or variation of their leave to enter or remain in the United Kingdom;
  - (b) refusing them leave to enter or remain in the United Kingdom.
- (3) The failure of an offshore worker’s sponsor to comply with a requirement imposed under the regulations may be taken into account by the Secretary of State when operating immigration skills arrangements made with the sponsor.
- (4) Regulations under this section—
  - (a) are to be made by statutory instrument;
  - (b) may make different provision for different cases;
  - (c) may make incidental, supplementary, consequential, transitional, transitory or saving provision.

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**Changes to legislation:** There are currently no known outstanding effects for the Nationality and Borders Act 2022, Section 43. (See end of Document for details)

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(5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

(6) For the purposes of this section—

- (a) “offshore worker” has the same meaning as in section 11A;
- (b) a person is an offshore worker’s “sponsor” if they have made immigration skills arrangements with the Secretary of State in relation to the offshore worker;
- (c) “immigration skills arrangements” has the meaning given by section 70A(2) of the Immigration Act 2014.”

(2) Schedule 6 makes consequential and related amendments.

#### Commencement Information

- I1** S. 43 in force at Royal Assent for specified purposes, see [s. 87\(4\)\(d\)](#)
- I2** [S. 43](#) in force at 12.4.2023 in so far as not already in force by [S.I. 2023/283](#), [reg. 3\(a\)](#)
- I3** [S. 43\(2\)](#) in force at 24.8.2022 for specified purposes by [S.I. 2022/912](#), [reg. 2\(a\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Nationality and Borders Act 2022, Section 43.