



# Illegal Migration Act 2023

## 2023 CHAPTER 37

### *General*

#### **65 Regulations**

- (1) A power to make regulations under this Act is exercisable by statutory instrument.
- (2) Regulations under this Act may make—
  - (a) consequential, supplementary, incidental, transitional or saving provision;
  - (b) different provision for different purposes.
- (3) Subsection (2) does not apply to regulations under section 68(1) (commencement).
- (4) A statutory instrument containing (whether alone or with other provision)—
  - (a) regulations under section 4(3)(d) (circumstances in which power to make arrangements for removal of unaccompanied child applies),
  - (b) regulations under section 7(1) (powers to amend Schedule 1),
  - (c) regulations under section 20(1) (extension to Wales, Scotland and Northern Ireland),
  - (d) regulations under section 24(9) (amendments in consequence of regulations made by the Scottish Ministers),
  - (e) regulations under section 26(3)(b) (continuation of operation of modern slavery provisions),
  - (f) regulations under section 40 (meaning of “serious and irreversible harm”),
  - (g) regulations under section 60 (cap on number of entrants using safe and legal routes),
  - (h) regulations under section 64(1) (consequential provision) which amend, repeal or revoke primary legislation, or
  - (i) regulations under paragraph 10 of Schedule 2 (powers relating to relevant articles containing items subject to legal privilege),

may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

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*Changes to legislation: There are currently no known outstanding effects for the Illegal Migration Act 2023, Section 65. (See end of Document for details)*

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- (5) Any other statutory instrument containing regulations under this Act for which no Parliamentary procedure is otherwise specified by this Act is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Subsection (5) does not apply to a statutory instrument containing only regulations under—
- (a) section 26(8) (transitional etc provision in connection with suspension of operation of modern slavery provisions);
  - (b) section 68 (commencement).
- (7) In this section “primary legislation” means—
- (a) an Act of Parliament,
  - (b) an Act of the Scottish Parliament,
  - (c) a Measure or Act of Senedd Cymru, or
  - (d) Northern Ireland legislation.

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**Commencement Information**

**II** S. 65 in force at Royal Assent, see [s. 68\(3\)\(c\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Illegal Migration Act 2023, Section 65.