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STATUTORY INSTRUMENTS

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**2023 No. 33**

**The Nationality and Borders Act 2022 (Commencement  
No. 4 and Transitional Provision) Regulations 2023**

**Provisions coming into force on 13th February 2023**

2.—(1) To the extent they are not already in force, the following provisions of the 2022 Act come into force on 13th February 2023—

- (a) section 42 (penalty for failure to secure goods vehicle) so far as it relates to the provisions brought into force by sub-paragraphs (b) and (c) of this paragraph;
- (b) paragraphs 2, 3 and 12 of Schedule 5 (penalty for failure to secure goods vehicle etc);
- (c) the following paragraphs of Schedule 5, for the purposes mentioned in paragraph (2) of this regulation—
  - (i) paragraphs 1, 4, 5 and 6;
  - (ii) paragraph 7(1), (2) and (5);
  - (iii) paragraph 8(1) and (3) to (6); and
  - (iv) paragraphs 9 to 11.

(2) Those purposes are—

- (a) the imposition of a penalty under section 31A of the 1999 Act (penalty for failure to secure goods vehicle etc)(1); and
- (b) the imposition of a penalty under section 32 of the 1999 Act (penalty for carrying clandestine entrants)(2) on a person responsible for a clandestine entrant within the meaning of subsection (1) of that section but limited to clandestine entrants who—
  - (i) arrive in the United Kingdom concealed in a vehicle;
  - (ii) pass, or attempt to pass, through immigration control concealed in a vehicle; or
  - (iii) arrive in the United Kingdom on a ship or aircraft, having embarked—
    - (aa) concealed in a vehicle; and
    - (bb) at a time when the ship or aircraft was outside the United Kingdom, and claim, or indicate that they intend to seek, asylum in the United Kingdom or evade, or attempt to evade, immigration control; and
- (c) related matters as set out in sections 31A to 37 and section 43 of the 1999 Act(3), in so far as they relate to purposes set out in sub-paragraphs (a) and (b).

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(1) Section 31A was inserted by paragraph 3 of Schedule 5 to the 2022 Act.

(2) Relevant amendments to section 32 were made by paragraph 4 of Schedule 5 to the 2022 Act.

(3) Relevant amendments to sections 31A to 37 and section 43 were made by Schedule 5 to the 2022 Act.