



# Immigration Act 2016

## 2016 CHAPTER 19

### PART 6

#### BORDER SECURITY

PROSPECTIVE

#### 74 Penalties relating to airport control areas

- (1) In paragraph 26 of Schedule 2 to the Immigration Act 1971 (supplementary duties of those connected with ships or aircraft or with ports) after sub-paragraph (3A) insert—
  - “(4) Part 1A of this Schedule makes provision for and in connection with the imposition of a penalty for certain breaches of sub-paragraph (2) or (3).”
- (2) In that Schedule after Part 1 insert the Part 1A set out in Schedule 13.

#### 75 Maritime enforcement

Schedule 14 (maritime enforcement) has effect.

#### Commencement Information

**II** S. 75 in force at 31.5.2016 by S.I. 2016/603, reg. 2(c)

#### 76 Persons excluded from the United Kingdom under international obligations

- (1) In section 8 of the Immigration Act 1971 (exceptions for seamen, aircrews and other special cases) in subsection (5) after “expired” insert “ or otherwise ceased to be in force ”.
- (2) In section 8A of that Act (persons ceasing to be exempt) after subsection (3) insert—

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Immigration Act 2016, PART 6 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- “(4) References in this section to a person who ceases to be exempt do not include a person who ceases to be exempt by virtue of section 8B(3).”
- (3) Section 8B of that Act (persons excluded from the United Kingdom under international obligations) is amended as follows.
- (4) In subsection (1) after paragraph (b) insert—
- “(and any leave given to a person who is an excluded person is invalid)”.
- (5) For subsection (3) substitute—
- “(3) Any exemption of a person from the provisions of this Act under section 8(1), (2) or (3) does not apply while the person is an excluded person.”
- (6) In subsection (4) for “a designated instrument” substitute “an instrument falling within subsection (5)”.
- (7) In subsection (5) for “The Secretary of State may by order designate an instrument” substitute “An instrument falls within this subsection”.
- (8) After subsection (5) insert—
- “(5A) Subsection (1), (2) or (3) does not apply to a person if—
- (a) the application of that subsection to that person would be contrary to the United Kingdom's obligations under—
- (i) the Human Rights Convention (within the meaning given by section 167(1) of the Immigration and Asylum Act 1999), or
- (ii) the Refugee Convention (within the meaning given by that provision), or
- (b) the person has been exempted from the application of that subsection under a process applying by virtue of the instrument falling within subsection (5).”
- (9) Omit subsections (6) to (8).

**Commencement Information**

**I2** S. 76 in force at 12.7.2016 by S.I. 2016/603, reg. 3(n)

**Status:**

This version of this part contains provisions that are prospective.

**Changes to legislation:**

Immigration Act 2016, PART 6 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2017/1241, Sch. by [S.I. 2018/31 reg. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 69(9)(d) and word inserted by [2023 c. 37 s. 21\(2\)\(b\)](#)
- Sch. 10 para. 3(2)(eza) inserted by [2023 c. 37 s. 13\(3\)\(a\)](#)
- Sch. 10 para. 3(3A)-(3C) inserted by [2023 c. 37 s. 13\(3\)\(b\)](#)
- Sch. 10 para. 3A and cross-heading inserted by [2023 c. 37 s. 13\(4\)](#)