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SCHEDULES

SCHEDULE 3

Section 33

REMOVAL OF ASYLUM SEEKER TO SAFE COUNTRY

PART 1

INTRODUCTORY

1 (1) In this Schedule—

“asylum claim” means a claim by a person that to remove him from or require him to leave the United Kingdom would breach the United Kingdom’s obligations under the Refugee Convention,

“Convention rights” means the rights identified as Convention rights by section 1 of the Human Rights Act 1998 (c. 42) (whether or not in relation to a State that is a party to the Convention),

“human rights claim” means a claim by a person that to remove him from or require him to leave the United Kingdom would be unlawful under section 6 of the Human Rights Act 1998 (public authority not to act contrary to Convention) as being incompatible with his Convention rights,

“immigration appeal” means an appeal under section 82(1) of the Nationality, Immigration and Asylum Act 2002 (c. 41) (appeal against immigration decision),

“the Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and its Protocol, and

[^{F1}“State” includes any territory outside of the United Kingdom.]

(2) In this Schedule a reference to anything being done in accordance with the Refugee Convention is a reference to the thing being done in accordance with the principles of the Convention, whether or not by a signatory to it.

[^{F2}(3) Section 92 of the Nationality, Immigration and Asylum Act 2002 makes further provision about the place from which an appeal relating to an asylum or human rights claim may be brought or continued.]

Textual Amendments

- F1** Words in [Sch. 3 para. 1\(1\)](#) inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5) (b), [Sch. 4 para. 7](#)
- F2** [Sch. 3 para. 1\(3\)](#) inserted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 9 para. 56\(2\)](#); [S.I. 2014/2771](#), art. 2(e) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

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Commencement Information

II Sch. 3 para. 1 in force at 1.10.2004 by [S.I. 2004/2523](#), [art. 2](#), [Sch.](#)

PART 2

FIRST LIST OF SAFE COUNTRIES (REFUGEE CONVENTION AND HUMAN RIGHTS (1))

- 2 This Part applies to—
- (a) Austria,
 - (b) Belgium,
 - [^{F3}(ba) Bulgaria,]
 - [^{F4}(bb) Republic of Croatia,]
 - (c) Republic of Cyprus,
 - (d) Czech Republic,
 - (e) Denmark,
 - (f) Estonia,
 - (g) Finland,
 - (h) France,
 - (i) Germany,
 - (j) Greece,
 - (k) Hungary,
 - (l) Iceland,
 - (m) Ireland,
 - (n) Italy,
 - (o) Latvia,
 - [^{F5}(oa) Principality of Liechtenstein,]
 - (p) Lithuania,
 - (q) Luxembourg,
 - (r) Malta,
 - (s) Netherlands,
 - (t) Norway,
 - (u) Poland,
 - (v) Portugal,
 - [^{F6}(va) Romania,]
 - (w) Slovak Republic,
 - (x) Slovenia,
 - (y) Spain, ^{F7} ...
 - (z) Sweden,
 - [^{F8}(z1) Switzerland.]

Textual Amendments

F3 Sch. 3 para. 2(ba) inserted (with effect in accordance with art. 1(3) of the commencing S.I.) by [Asylum \(First List of Safe Countries\) \(Amendment\) Order 2006 \(S.I. 2006/3393\)](#), [arts. 1\(2\), 2\(2\)](#)

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- F4** Sch. 3 para. 2(bb) inserted (28.6.2022) by Nationality and Borders Act 2022 (c. 36), s. 87(5)(b), **Sch. 4 para. 8(a)**
- F5** Sch. 3 para. 2(oa) inserted (28.6.2022) by Nationality and Borders Act 2022 (c. 36), s. 87(5)(b), **Sch. 4 para. 8(b)**
- F6** Sch. 3 para. 2(va) inserted (with effect in accordance with art. 1(3) of the commencing S.I.) by Asylum (First List of Safe Countries) (Amendment) Order 2006 (S.I. 2006/3393), arts. 1(2), **2(3)**
- F7** Word in Sch. 3 para. 2(y) deleted (with application in accordance with art. 1(3)(a) of the amending S.I.) by virtue of The Asylum (First List of Safe Countries) (Amendment) Order 2010 (S.I. 2010/2802), arts. 1(2), **2(a)** (with art. 1(3)(b))
- F8** Sch. 3 para. 2(z1) inserted (with application in accordance with art. 1(3)(a) of the amending S.I.) by The Asylum (First List of Safe Countries) (Amendment) Order 2010 (S.I. 2010/2802), arts. 1(2), **2(b)** (with art. 1(3)(b))

Commencement Information

- I2** Sch. 3 para. 2 in force at 1.10.2004 by S.I. 2004/2523, art. 2, **Sch.**

- 3 (1) This paragraph applies for the purposes of the determination by any person, tribunal or court whether a person who has made an asylum claim or a human rights claim [^{F9}(the “claimant”)] may be removed—
- (a) from the United Kingdom, and
 - (b) to a State of which he is not a national or citizen.

[^{F10}(1A) Unless the contrary is shown by the claimant to be the case in their particular circumstances, a State to which this Part applies is to be treated, in so far as relevant to the question mentioned in sub-paragraph (1), as a place—

- (a) to which a person can be removed without their Convention rights under Article 3 (no torture or inhuman or degrading treatment or punishment) being contravened, and
- (b) from which a person will not be sent to another State in contravention of their Convention rights.]

(2) A State to which this Part applies shall be treated, in so far as relevant to the question mentioned in sub-paragraph (1), as a place—

- (a) where a person’s life and liberty are not threatened by reason of his race, religion, nationality, membership of a particular social group or political opinion,

^{F11}(b) and

- (c) from which a person will not be sent to another State otherwise than in accordance with the Refugee Convention.

Textual Amendments

- F9** Words in Sch. 3 para. 3(1) inserted (28.6.2022) by Nationality and Borders Act 2022 (c. 36), s. 87(5)(b), **Sch. 4 para. 5(2)**
- F10** Sch. 3 para. 3(1A) inserted (28.6.2022) by Nationality and Borders Act 2022 (c. 36), s. 87(5)(b), **Sch. 4 para. 5(3)**
- F11** Sch. 3 para. 3(2)(b) omitted (28.6.2022) by virtue of Nationality and Borders Act 2022 (c. 36), s. 87(5)(b), **Sch. 4 para. 5(4)**

Commencement Information

- I3** Sch. 3 para. 3 in force at 1.10.2004 by S.I. 2004/2523, art. 2, **Sch.**

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F12⁴

Textual Amendments
F12 Sch. 3 para. 4 omitted (28.6.2022) by Nationality and Borders Act 2022 (c. 36), s. 87(1), Sch. 4 para. 4; S.I. 2022/590, reg. 1(2), 2, Sch. 1 para. 17 (with Sch. 2 para. 4(4))

- 5 (1) This paragraph applies where the Secretary of State certifies that—
 - (a) it is proposed to remove a person to a State to which this Part applies, and
 - (b) in the Secretary of State’s opinion the person is not a national or citizen of the State.

F13(2)

- (3) The person may not bring an immigration appeal F14... in reliance on—
 - (a) an asylum claim which asserts that to remove the person to a specified State to which this Part applies would breach the United Kingdom’s obligations under the Refugee Convention, F15...

F15(b)

- (4) The person may not bring an immigration appeal F16... in reliance on a human rights claim F17... if the Secretary of State certifies that the claim is clearly unfounded; and the Secretary of State shall certify a human rights claim F17... unless satisfied that the claim is not clearly unfounded.

F18(5)

Textual Amendments
F13 Sch. 3 para. 5(2) omitted (20.10.2014) by virtue of Immigration Act 2014 (c. 22), s. 75(3), Sch. 9 para. 56(3)(a); S.I. 2014/2771, art. 2(e) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9))
F14 Words in Sch. 3 para. 5(3) omitted (28.6.2022) by virtue of Nationality and Borders Act 2022 (c. 36), s. 87(5)(b), Sch. 4 para. 11
F15 Sch. 3 para. 5(3)(b) and word omitted (28.6.2022) by virtue of Nationality and Borders Act 2022 (c. 36), s. 87(5)(b), Sch. 4 para. 6(a) (with Sch. 4 para. 19(1))
F16 Words in Sch. 3 para. 5(4) omitted (28.6.2022) by virtue of Nationality and Borders Act 2022 (c. 36), s. 87(5)(b), Sch. 4 para. 11 (with Sch. 4 para. 19(2)(a))
F17 Words in Sch. 3 para. 5(4) omitted (28.6.2022) by virtue of Nationality and Borders Act 2022 (c. 36), s. 87(5)(b), Sch. 4 para. 6(b) (with Sch. 4 para. 19(1))
F18 Sch. 3 para. 5(5) omitted (28.6.2022) by virtue of Nationality and Borders Act 2022 (c. 36), s. 87(5)(b), Sch. 4 para. 6(c) (with Sch. 4 para. 19(1))

Commencement Information
I4 Sch. 3 para. 5 in force at 1.10.2004 by S.I. 2004/2523, art. 2, Sch.

F19⁶

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Textual Amendments

F19 Sch. 3 para. 6 omitted (28.6.2022) by virtue of Nationality and Borders Act 2022 (c. 36), s. 87(5)(b), Sch. 4 para. 12

PART 3

SECOND LIST OF SAFE COUNTRIES (REFUGEE CONVENTION AND HUMAN RIGHTS (2))

- 7 (1) This Part applies to such States as the Secretary of State may by order specify.
- (2) An order under this paragraph—
- (a) shall be made by statutory instrument, and
 - (b) shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament.

Commencement Information

I5 Sch. 3 para. 7 in force at 1.10.2004 by S.I. 2004/2523, art. 2, Sch.

- 8 (1) This paragraph applies for the purposes of the determination by any person, tribunal or court whether a person who has made an asylum claim may be removed—
- (a) from the United Kingdom, and
 - (b) to a State of which he is not a national or citizen.
- (2) A State to which this Part applies shall be treated, in so far as relevant to the question mentioned in sub-paragraph (1), as a place—
- (a) where a person's life and liberty are not threatened by reason of his race, religion, nationality, membership of a particular social group or political opinion, and
 - (b) from which a person will not be sent to another State otherwise than in accordance with the Refugee Convention.

Commencement Information

I6 Sch. 3 para. 8 in force at 1.10.2004 by S.I. 2004/2523, art. 2, Sch.

F209

Textual Amendments

F20 Sch. 3 para. 9 omitted (28.6.2022) by Nationality and Borders Act 2022 (c. 36), s. 87(1), Sch. 4 para. 4; S.I. 2022/590, reg. 1(2), 2, Sch. 1 para. 17 (with Sch. 2 para. 4(4))

- 10 (1) This paragraph applies where the Secretary of State certifies that—
- (a) it is proposed to remove a person to a State to which this Part applies, and
 - (b) in the Secretary of State's opinion the person is not a national or citizen of the State.

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^{F21}(2)

- (3) The person may not bring an immigration appeal ^{F22}... in reliance on an asylum claim which asserts that to remove the person to a specified State to which this Part applies would breach the United Kingdom’s obligations under the Refugee Convention.
- (4) The person may not bring an immigration appeal ^{F23}... in reliance on a human rights claim if the Secretary of State certifies that the claim is clearly unfounded; and the Secretary of State shall certify a human rights claim where this paragraph applies unless satisfied that the claim is not clearly unfounded.

Textual Amendments

F21 Sch. 3 para. 10(2) omitted (20.10.2014) by virtue of Immigration Act 2014 (c. 22), s. 75(3), Sch. 9 para. 56(4)(a); S.I. 2014/2771, art. 2(e) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9))

F22 Words in Sch. 3 para. 10(3) omitted (28.6.2022) by virtue of Nationality and Borders Act 2022 (c. 36), s. 87(5)(b), Sch. 4 para. 13

F23 Words in Sch. 3 para. 10(4) omitted (28.6.2022) by virtue of Nationality and Borders Act 2022 (c. 36), s. 87(5)(b), Sch. 4 para. 13 (with Sch. 4 para. 19(2)(b))

Commencement Information

I7 Sch. 3 para. 10 in force at 1.10.2004 by S.I. 2004/2523, art. 2, Sch.

^{F24}11

Textual Amendments

F24 Sch. 3 para. 11 omitted (28.6.2022) by virtue of Nationality and Borders Act 2022 (c. 36), s. 87(5)(b), Sch. 4 para. 14

PART 4

THIRD LIST OF SAFE COUNTRIES (REFUGEE CONVENTION ONLY)

- 12 (1) This Part applies to such States as the Secretary of State may by order specify.
- (2) An order under this paragraph—
 - (a) shall be made by statutory instrument, and
 - (b) shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament.

Commencement Information

I8 Sch. 3 para. 12 in force at 1.10.2004 by S.I. 2004/2523, art. 2, Sch.

- 13 (1) This paragraph applies for the purposes of the determination by any person, tribunal or court whether a person who has made an asylum claim may be removed—
 - (a) from the United Kingdom, and

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- (b) to a State of which he is not a national or citizen.
- (2) A State to which this Part applies shall be treated, in so far as relevant to the question mentioned in sub-paragraph (1), as a place—
 - (a) where a person’s life and liberty are not threatened by reason of his race, religion, nationality, membership of a particular social group or political opinion, and
 - (b) from which a person will not be sent to another State otherwise than in accordance with the Refugee Convention.

Commencement Information

I9 Sch. 3 para. 13 in force at 1.10.2004 by S.I. 2004/2523, art. 2, Sch.

F25 14

Textual Amendments

F25 Sch. 3 para. 14 omitted (28.6.2022) by Nationality and Borders Act 2022 (c. 36), s. 87(1), Sch. 4 para. 4; S.I. 2022/590, reg. 1(2), 2, Sch. 1 para. 17 (with Sch. 2 para. 4(4))

- 15 (1) This paragraph applies where the Secretary of State certifies that—
- (a) it is proposed to remove a person to a State to which this Part applies, and
 - (b) in the Secretary of State’s opinion the person is not a national or citizen of the State.

F26 (2)

- (3) The person may not bring an immigration appeal ^{F27}... in reliance on an asylum claim which asserts that to remove the person to a specified State to which this Part applies would breach the United Kingdom’s obligations under the Refugee Convention.
- (4) The person may not bring an immigration appeal ^{F28}... in reliance on a human rights claim if the Secretary of State certifies that the claim is clearly unfounded.

Textual Amendments

F26 Sch. 3 para. 15(2) omitted (20.10.2014) by virtue of Immigration Act 2014 (c. 22), s. 75(3), Sch. 9 para. 56(5)(a); S.I. 2014/2771, art. 2(e) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9))

F27 Words in Sch. 3 para. 15(3) omitted (28.6.2022) by virtue of Nationality and Borders Act 2022 (c. 36), s. 87(5)(b), Sch. 4 para. 15

F28 Words in Sch. 3 para. 15(4) omitted (28.6.2022) by virtue of Nationality and Borders Act 2022 (c. 36), s. 87(5)(b), Sch. 4 para. 15 (with Sch. 4 para. 19(2)(c))

Commencement Information

I10 Sch. 3 para. 15 in force at 1.10.2004 by S.I. 2004/2523, art. 2, Sch.

F29 16

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Textual Amendments

F29 Sch. 3 para. 16 omitted (28.6.2022) by virtue of [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(5)(b), [Sch. 4 para. 16](#)

PART 5

COUNTRIES CERTIFIED AS SAFE FOR INDIVIDUALS

- 17 This Part applies to a person who has made an asylum claim if the Secretary of State certifies that—
- (a) it is proposed to remove the person to a specified State,
 - (b) in the Secretary of State’s opinion the person is not a national or citizen of the specified State, and
 - (c) in the Secretary of State’s opinion the specified State is a place—
 - (i) where the person’s life and liberty will not be threatened by reason of his race, religion, nationality, membership of a particular social group or political opinion, and
 - (ii) from which the person will not be sent to another State otherwise than in accordance with the Refugee Convention.

Commencement Information

I11 Sch. 3 para. 17 in force at 1.10.2004 by [S.I. 2004/2523](#), art. 2, [Sch.](#)

^{F30}18

Textual Amendments

F30 Sch. 3 para. 18 omitted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(1), [Sch. 4 para. 4](#); [S.I. 2022/590](#), reg. 1(2), 2, [Sch. 1 para. 17](#) (with [Sch. 2 para. 4\(4\)](#))

- 19 Where this Part applies to a person—
- ^{F31}(a)
 - (b) he may not bring an immigration appeal ^{F32}... in reliance on an asylum claim which asserts that to remove the person to the State specified under paragraph 17 would breach the United Kingdom’s obligations under the Refugee Convention,
 - (c) he may not bring an immigration appeal ^{F33}... in reliance on a human rights claim if the Secretary of State certifies that the claim is clearly unfounded, and
 - ^{F34}(d)

Textual Amendments

F31 Sch. 3 para. 19(a) omitted (20.10.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 9 para. 56\(6\)\(a\)](#); [S.I. 2014/2771](#), art. 2(e) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#),

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arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9))

- F32** Words in Sch. 3 para. 19(b) omitted (28.6.2022) by virtue of Nationality and Borders Act 2022 (c. 36), s. 87(5)(b), Sch. 4 para. 17(a)
- F33** Words in Sch. 3 para. 19(c) omitted (28.6.2022) by virtue of Nationality and Borders Act 2022 (c. 36), s. 87(5)(b), Sch. 4 para. 17(a) (with Sch. 4 para. 19(2)(d))
- F34** Sch. 3 para. 19(d) omitted (28.6.2022) by virtue of Nationality and Borders Act 2022 (c. 36), s. 87(5)(b), Sch. 4 para. 17(b)

Commencement Information

- I12** Sch. 3 para. 19 in force at 1.10.2004 by S.I. 2004/2523, art. 2, Sch.

PART 6

AMENDMENT OF LISTS

- 20 (1) The Secretary of State may by order
- ^{F35}(a) add a State to the list specified in paragraph 2 ^{F36}, or
 - (b) remove a State from that list.]
- (2) The Secretary of State may by order —
- (a) add a State to a list specified under paragraph 7 or 12, or
 - (b) remove a State from a list specified under paragraph 7 or 12.

Textual Amendments

- F35** Words in Sch. 3 para. 20(1) renumbered as Sch. 3 para. 20(1)(a) (28.6.2022) by Nationality and Borders Act 2022 (c. 36), s. 87(5)(b), Sch. 4 para. 9(a)
- F36** Sch. 3 para. 20(1)(b) and word inserted (28.6.2022) by Nationality and Borders Act 2022 (c. 36), s. 87(5)(b), Sch. 4 para. 9(b)

Commencement Information

- I13** Sch. 3 para. 20 in force at 1.10.2004 by S.I. 2004/2523, art. 2, Sch.

- 21 (1) An order under paragraph ^{F37}20(1)(a) or (2)(a)—
- (a) shall be made by statutory instrument,
 - (b) shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament, and
 - (c) may include transitional provision.
- (2) An order under paragraph ^{F38}20(1)(b) or (2)(b)—
- (a) shall be made by statutory instrument,
 - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament, and
 - (c) may include transitional provision.

Textual Amendments

- F37** Word in Sch. 3 para. 21(1) substituted (28.6.2022) by Nationality and Borders Act 2022 (c. 36), s. 87(5)(b), Sch. 4 para. 10(a)

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F38 Words in Sch. 3 para. 21(2) substituted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\), s. 87\(5\)\(b\)](#), [Sch. 4 para. 10\(b\)](#)

Commencement Information

I14 [Sch. 3 para. 21](#) in force at 1.10.2004 by [S.I. 2004/2523](#), art. 2, [Sch.](#)

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

- Act excluded by [2024 c. 8 s. 2\(5\)\(a\)5](#)

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

- s. 8(1A)(1B) inserted by [2022 c. 36 s. 19\(2\)](#)
- s. 8(3A)(3B) inserted by [2022 c. 36 s. 19\(3\)](#)
- s. 8(6A)(6B) inserted by [2022 c. 36 s. 19\(4\)](#)
- s. 8(9A)(a) word inserted by [2022 c. 36 Sch. 3 para. 7\(b\)](#)
- s. 8(9A)(b) and word inserted by [2022 c. 36 Sch. 3 para. 7\(c\)](#)
- s. 8(9B) inserted by [2022 c. 36 s. 19\(6\)](#)
- Sch. 3 para. 3(3) inserted by [2023 c. 37 s. 10\(9\)\(a\)](#)
- Sch. 3 para. 8(3) inserted by [2023 c. 37 s. 10\(9\)\(b\)](#)
- Sch. 3 para. 13(3) inserted by [2023 c. 37 s. 10\(9\)\(c\)](#)