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STATUTORY INSTRUMENTS

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**2008 No. 310 (C. 10)**

**IMMIGRATION**

The Immigration, Asylum and Nationality  
Act 2006 (Commencement No. 8 and  
Transitional and Saving Provisions) Order 2008

Made - - - - 8th February 2008

The Secretary of State makes the following Order in exercise of the powers conferred by section 62 of the Immigration, Asylum and Nationality Act 2006(1).

**Citation and interpretation**

1.—(1) This Order may be cited at the Immigration, Asylum and Nationality Act 2006 (Commencement No. 8 and Transitional and Saving Provisions) Order 2008.

(2) In this Order—

“the 2006 Act” means the Immigration, Asylum and Nationality Act 2006;

“the 2002 Act” means the Nationality, Immigration and Asylum Act 2002(2);

“the 1999 Act” means the Immigration and Asylum Act 1999(3);

“the 1996 Act” means the Asylum and Immigration Act 1996(4); and

“immigration rules” means rules made under section 3(2) of the Immigration Act 1971(5).

**Commencement**

2.—(1) Subject to article 5 the following provisions of the 2006 Act shall come into force on 29th February 2008—

(a) sections 15 to 18 to the extent to which they are not already in force (penalty for employment of adult subject to immigration control);

(b) sections 21 and 22 (offence of employing adult subject to immigration control);

(c) section 24 (employment of adult subject to immigration control: temporary admission);

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(1) 2006, c. 13.  
(2) 2002, c. 41.  
(3) 1999, c. 33.  
(4) 1996, c. 49.  
(5) 1971, c. 77.

- (d) section 26 (repeal); and
  - (e) in Schedule 3, the entries relating to the 1996 Act.
- (2) The following provisions of the 2006 Act shall come into force on 29th February 2008—
- (a) section 50(3)(a) (repeal); and
  - (b) in Schedule 3, the entries relating to section 31A of the Immigration Act 1971.
3. The following provisions of the 2006 Act shall come in to force on 1st April 2008—
- (a) subject to article 4, section 4 (entry clearance);
  - (b) section 33 (freight information: police powers) for the purposes of making an order under subsection (5)(a); and
  - (c) section 47 (removal: person with statutorily extended leave).

### **Saving and Transitional Provision**

4. Notwithstanding the commencement of section 4 of the 2006 Act and the substitution of section 88A of the 2002 Act<sup>(6)</sup> and section 23 of the 1999 Act<sup>(7)</sup>, section 4(1) (appeals: entry clearance) and section 4(2) of the 2006 Act (monitoring refusals of entry clearance) shall have effect only so far as they relate to applications of a kind identified in immigration rules as requiring to be considered under a “Points Based System”.

5.—(1) Notwithstanding the commencement of section 26 of the 2006 Act (repeal) the following provisions and instruments continue to have effect in relation to employment which commenced before 29th February 2008, including employment which continued on or after that date—

- (a) sections 8 (restrictions on employment) and 8A (code of practice) of the 1996 Act **(8)**;
- (b) any Code of Practice in force immediately before 29<sup>th</sup> February 2008 under section 8A of the 1996 Act;
- (c) the Immigration (Restrictions on Employment) Order 2004<sup>(9)</sup>; and
- (d) the Immigration (Restrictions on Employment) (Code of Practice) Order 2001<sup>(10)</sup>.

(2) Sections 15 to 18, 21, 22, 24, 25 and 26 of the 2006 Act are of no effect in relation to employment of a kind mentioned in paragraph (1).

Home Office  
8th February 2008

*Liam Byrne*  
Minister of State

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<sup>(6)</sup> Section 88A of the 2002 Act is substituted by section 4(1) of the 2006 Act. Section 88A was inserted by section 29(1) of the Asylum and Immigration (Treatment of Claimants) etc. Act 2004 (c.19).

<sup>(7)</sup> Section 23 of the 1999 Act is substituted by section 4(2) of the 2006 Act. Section 23 was amended by section 114(3) and paragraph 27 of Schedule 7 to the 2002 Act.

<sup>(8)</sup> Sections 8 and 8A of the 1996 Act are repealed by section 26 of, and Schedule 3 to, the 2006 Act. Section 8 has been amended by: section 147 of the 2002 Act; section 6 of, and Schedule 4 to the 2004 Act. Section 8A was inserted by section 22 of the 1999 Act and has been amended by section 40 of, and paragraph 58 of Schedule 3 to, the Equality Act 2006 (c. 3).

<sup>(9)</sup> S.I. 2004/755.

<sup>(10)</sup> S.I. 2001/1436.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force provisions of the Immigration, Asylum and Nationality Act 2006 subject to transitional and saving provision.

The provisions specified in article 2 are brought into force on 29th February 2008.

The provisions specified in article 3 are brought into force on 1st April 2008.

Article 4 makes saving provision in relation to section 4(1) and 4(2) of the 2006 Act so that those sections shall have effect only so far as they relate to applications of a kind identified in immigration rules as requiring to be considered under a “Points Based System”.

Article 5 makes transitional provision in relation to Sections 15 to 18, 21, 22, 24, 25 and 26 of the 2006 Act so that sections 8 and 8A of the 1996 Act and orders made under those sections continue to have effect in relation to employment which commenced before 29th February 2008, including employment which continued on or after that date. Sections 15 to 18, 21, 22, 24, 25 and 26 of the 2006 Act are of no effect in relation to employment of this kind.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Immigration, Asylum and Nationality Act 2006 have been brought into force by commencement order made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1 (variation of leave to enter or remain)	31.08.2006	<a href="#">2006/2226</a>
Section 2 (removal)	31.08.2006	<a href="#">2006/2226</a>
Section 3 (grounds of appeal)	31.08.2006	<a href="#">2006/2226</a>
Section 5 (failure to provide documents)	31.08.2006	<a href="#">2006/2226</a>
Section 6 (refusal of leave to enter)	31.08.2006	<a href="#">2006/2226</a>
Section 7 (deportation)	31.08.2006	<a href="#">2006/2226</a>
Section 8 (legal aid)	30.04.2007	<a href="#">2007/1109</a>
Section 9 (abandonment of appeal)	13.11.2006	<a href="#">2006/2838</a>
Section 10 (grants)	16.06.2006	<a href="#">2006/1497</a>
Section 11 (continuation of leave)	31.08.2006	<a href="#">2006/2226</a>
Section 14 (consequential amendments)	31.08.2006	<a href="#">2006/2226</a>
Section 15 (penalty for employment) (partially)	05.11.2007	<a href="#">2007/3138</a>
Section 16 (objection to employment penalty) (partially)	05.11.2007	<a href="#">2007/3138</a>
Section 19 (code of practice)	31.08.2006	<a href="#">2006/2226</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 20 (orders)	05.11.2007	<a href="#">2007/3138</a>
Section 23 (discrimination: code of practice)	31.08.2006	<a href="#">2006/2226</a>
Section 25 (interpretation)	05.11.2007	<a href="#">2007/3138</a>
Section 27 (documents produced or found)	31.08.2006	<a href="#">2006/2226</a>
Section 28 (fingerprinting)	31.08.2006	<a href="#">2006/2226</a>
Section 29 (attendance for fingerprinting)	31.08.2006	<a href="#">2006/2226</a>
Section 30 (proof of right of abode)	16.06.2006	<a href="#">2006/1497</a>
Section 31 (provision of information to immigration officers) (partially)	05.11.2007	<a href="#">2007/3138</a>
Section 31 (provision of information to immigration officers) (to the extent not already in force)	01.03.2008	<a href="#">2007/3138</a> amended by <a href="#">2007/3580</a>
Section 32 (passenger and crew information: police powers) (partially)	05.11.2007	<a href="#">2007/3138</a>
Section 32 (passenger and crew information: police powers) (to the extent not already in force)	01.03.2008	<a href="#">2007/3138</a> amended by <a href="#">2007/3580</a>
Section 34 (offence: failure to provide information)	01.03.2008	<a href="#">2007/3138</a> amended by <a href="#">2007/3580</a>
Section 35 (power of Revenue and Customs to obtain information)	01.03.2008	<a href="#">2007/3138</a> amended by <a href="#">2007/3580</a>
Section 36 (duty to share information) (partially)	05.11.2007	<a href="#">2007/3138</a>
Section 36 (duty to share information) (to the extent not already in force)	01.03.2008	<a href="#">2007/3138</a> amended by <a href="#">2007/3580</a>
Section 37 (information sharing: code of practice) (partially)	05.11.2007	<a href="#">2007/3138</a>
Section 37 (information sharing: code of practice) (to the extent not already in force)	01.03.2008	<a href="#">2007/3138</a> amended by <a href="#">2007/3580</a>
Section 38 (disclosure of information for security purposes) (partially)	05.11.2007	<a href="#">2007/3138</a>
Section 38 (disclosure of information for security purposes) (to the extent not already in force)	01.03.2008	<a href="#">2007/3138</a> amended by <a href="#">2007/3580</a>
Section 39 (disclosure to law enforcement agencies)	01.03.2008	<a href="#">2007/3138</a> amended by <a href="#">2007/3580</a>
Section 40 (searches: contracting out)	31.06.2006	<a href="#">2006/2226</a>

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 41 (section 40: supplemental)	31.06.2006	2006/2226
Section 42 (information: embarking passengers)	31.06.2006	2006/2226
Section 43 (accommodation)	16.06.2006	2006/1497
Section 45 (integration loans)	30.06.2006	2006/2226
Section 46 (inspection of detention facilities)	31.08.2006	2006/2226
Section 48 (removal: cancellation of leave)	16.06.2006	2006/1497
Section 49 (capacity to make nationality application)	31.06.2006	2006/2226
Section 50 (procedure) (partially)	31.01.2007	2007/182
Section 50 (procedure) (partially)	05.11.2007	2007/3138
Section 51 (fees)	31.01.2007	2007/182
Section 52 (fees: supplemental) (partially)	31.01.2007	2007/182
Section 52(7) (fees: supplemental) (to extent not already in force)	02.04.2007	2007/1109
Section 53 (arrest pending deportation)	31.06.2006	2006/2226
Section 54 (refugee convention: construction)	31.06.2006	2006/2226
Section 55 (refugee convention: certification)	31.06.2006	2006/2226
Section 56 (deprivation and citizenship)	16.06.2006	2006/1497
Section 57 (deprivation and right of abode)	16.06.2006	2006/1497
Section 58 (acquisition of British nationality)	04.12.2006	2006/2838
Section 59 (detained persons: national minimum wage)	31.06.2006	2006/2226
Section 60 (money)	16.06.2006	2006/1497
Section 61 (repeals) (partially)	16.06.2006	2006/1497
	31.06.2006	2006/2226
	02.04.2007	2007/1109
Schedule 1 (partially)	31.08.2006	2006/2226
Schedule 2 (partially)	07.03.2007	2007/467
Schedule 2 (to the extent not already in force)	02.04.2007	2007/1109
Schedule 3 (partially)	16.06.2006	2006/1497
	31.08.2006	2006/2226
	07.03.2007	2007/467
	02.04.2007	2007/1109
	01.03.2008	2007/3138 amended by 2007/3580

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