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STATUTORY INSTRUMENTS

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**2014 No. 1820 (C. 81)**

**IMMIGRATION**

**The Immigration Act 2014 (Commencement No. 1, Transitory and Saving Provisions) Order 2014**

*Made* - - - -

*7th July 2014*

The Secretary of State, in exercise of the powers conferred by sections 73(1) and 75(3) of the Immigration Act 2014<sup>(1)</sup>, makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Immigration Act 2014 (Commencement No. 1, Transitory and Saving Provisions) Order 2014.

(2) In this Order, “the Act” means the Immigration Act 2014.

**Provisions coming into force on 14th July 2014**

2. The day appointed for the coming into force of the following provisions of the Act is 14th July 2014—

- (a) section 41 (regulation by Financial Conduct Authority);
- (b) section 42 (meaning of bank and building society);
- (c) section 43 (power to amend);
- (d) section 46 (grant of driving licences: residence requirement);
- (e) section 47 (revocation of driving licences on grounds of immigration status);
- (f) section 73(6) (transitional and consequential provision) so far as it is necessary for the purpose of the provisions listed in sub-paragraph (g);
- (g) Part 6 of Schedule 9.

**Provisions coming into force on 28th July 2014**

3. The day appointed for the coming into force of the following provisions of the Act is 28th July 2014—

- (a) section 2 (restriction on removal of children and their parents etc);

- (b) section 3 (Independent Family Returns Panel);
- (c) section 4 (enforcement powers);
- (d) section 5 (restrictions on detention of unaccompanied children);
- (e) section 6 (pre-departure accommodation for families);
- (f) section 7(1), (2) and (5) (immigration bail: repeat applications and effect of removal directions);
- (g) section 8 (provision of biometric information with immigration applications);
- (h) section 9 (identifying persons liable to detention);
- (i) section 10 (provision of biometric information with citizenship applications);
- (j) section 11 (biometric immigration documents);
- (k) section 12 (meaning of “biometric information”);
- (l) section 13 (safeguards for children);
- (m) section 14 (use and retention of biometric information);
- (n) section 17(1) and (3) (certification of human rights claims made by persons liable to deportation);
- (o) section 19 (Article 8 of the ECHR: public interest considerations);
- (p) section 44 (appeals against penalty notices);
- (q) section 45 (recovery of sums payable under penalty notices);
- (r) section 63 (immigration advisers and immigration service providers) so far as it is necessary for the purpose of the provisions listed in sub-paragraph (aa);
- (s) section 64 (Police Ombudsman for Northern Ireland);
- (t) section 66 (deprivation if conduct seriously prejudicial to vital interests of the UK);
- (u) section 67 (embarkation checks);
- (v) section 70 (power to charge fees for attendance services in particular cases);
- (w) section 71 (duty regarding the welfare of children);
- (x) section 73(6) (transitional and consequential provision) so far as it is necessary for the purpose of the provisions listed in sub-paragraph (cc);
- (y) Schedule 1 (enforcement powers);
- (z) Schedule 2 (meaning of biometric information);
- (aa) paragraph 6 of Schedule 7 (inspection of registered persons);
- (bb) Schedule 8 (embarkation checks); and
- (cc) paragraphs 2, 8, 10(1) and (3), 11 to 16 and 32 and Parts 5 and 10 of Schedule 9.

### **Transitory and saving provision**

**4.** Until section 17(2) of the Act comes into force for all purposes, section 92 of the Nationality, Immigration and Asylum Act 2002<sup>(2)</sup> (appeal from within the United Kingdom: general) has effect in any case in which a foreign criminal as defined in section 117D(2) of that Act (as inserted by section 19 of the Act) has made a human rights claim which the Secretary of State has certified under section 94B of that Act (as inserted by section 17(3) of the Act) as if—

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(2) 2002 c. 41; subsection (2) was amended by section 47(7) of the Immigration, Asylum and Nationality Act 2006 (c.13) and subsection (4)(b) was amended by S.I. 2011/1043; there are other amendments but none is relevant.

- (a) the reference in subsection (2) to an immigration decision of a kind specified in section 82(2)(j) of that Act were omitted;
- (b) the reference in subsection (4)(a) to a human rights claim were omitted; and
- (c) subsection (4)(b) were omitted.

5. The commencement of section 44 does not have effect in relation to an appeal in respect of a penalty notice issued before 28th July 2014 (including a penalty notice issued before that date but withdrawn and, after that date, re-issued).

6. The commencement of section 45 does not have effect in relation to a sum payable to the Secretary of State as a penalty under section 15 of the Immigration, Asylum and Nationality Act 2006<sup>(3)</sup> if proceedings for the enforcement of the penalty were commenced before 28th July 2014.

7.—(1) During the relevant period “chargeable function” in section 70 of the Act is to be read as a reference to an application, service or process in connection with immigration or nationality in respect of which a fee is chargeable pursuant to the Immigration and Nationality (Fees Order) 2011<sup>(4)</sup>.

(2) In paragraph (1), the relevant period means the period beginning on 28th July 2014 and ending on the date the first fees order made under section 68 of the Act comes into force.

*James Brokenshire*  
Minister of State  
Home Office

7th July 2014

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<sup>(3)</sup> 2006 c. 13.

<sup>(4)</sup> S.I. 2011/445; this Order was amended by the Immigration and Nationality (Fees) (Amendment) Order 2013 (S.I. 2013/249) and the Immigration and Nationality (Fees) (Amendment) Order 2014 (S.I. 2014/205).

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

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

This Order is the first commencement order made under the Immigration Act 2014 (“the Act”). Article 2 lists the provisions of the Act which will come into force on 14th July 2014. Article 3 lists the provisions of the Act which will come into force on 28th July 2014.

Article 4 makes provision in relation to the operation of section 92 of the Nationality, Immigration and Asylum Act 2002 (appeal from within the United Kingdom) until that provision is fully substituted by section 17(2) of the Act. Article 5 makes saving provision relating to the process for objecting and appealing to a penalty notice issued to an employer under section 15 of the Immigration, Asylum and Nationality Act 2006 (“the 2006 Act”). Article 6 makes saving provision in respect of proceedings for the enforcement of a sum payable as a penalty under section 15 of the 2006 Act.

Article 7 makes transitory provision in relation to section 70 and provides that, pending the coming into force of the first fees order under the 2014 Act, the term “chargeable function” in the relevant section is to be read as a reference to an application, service or process set out in the Immigration and Nationality (Fees) Order 2014.