



# UK Borders Act 2007

## 2007 CHAPTER 30

### *Deportation of criminals*

#### **38 Interpretation**

- (1) In section 32(2) the reference to a person who is sentenced to a period of imprisonment of at least 12 months—
  - (a) does not include a reference to a person who receives a suspended sentence (unless a court subsequently orders that the sentence or any part of it (of whatever length) is to take effect),
  - (b) does not include a reference to a person who is sentenced to a period of imprisonment of at least 12 months only by virtue of being sentenced to consecutive sentences amounting in aggregate to more than 12 months,
  - (c) includes a reference to a person who is sentenced to detention, or ordered or directed to be detained, in an institution other than a prison (including, in particular, a hospital or an institution for young offenders) for at least 12 months, and
  - (d) includes a reference to a person who is sentenced to imprisonment or detention, or ordered or directed to be detained, for an indeterminate period (provided that it may last for 12 months).
- (2) In section 32(3)(b) the reference to a person who is sentenced to a period of imprisonment—
  - (a) does not include a reference to a person who receives a suspended sentence (unless a court subsequently orders that the sentence or any part of it is to take effect), and
  - (b) includes a reference to a person who is sentenced to detention, or ordered or directed to be detained, in an institution other than a prison (including, in particular, a hospital or an institution for young offenders).
- (3) For the purposes of section 32 a person subject to an order under section 5 of the Criminal Procedure (Insanity) Act 1964 (c. 84) (insanity, &c.) has not been convicted of an offence.
- (4) In sections 32 and 33—

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*Status: Point in time view as at 01/08/2008.*

*Changes to legislation: There are currently no known outstanding effects for the UK Borders Act 2007, Section 38. (See end of Document for details)*

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- (a) “British citizen” has the same meaning as in section 3(5) of the Immigration Act 1971 (c. 77) (and section 3(8) (burden of proof) shall apply),
- (b) “Convention rights” has the same meaning as in the Human Rights Act 1998 (c. 42),
- (c) “deportation order” means an order under section 5, and by virtue of section 3(5), of the Immigration Act 1971, and
- (d) “the Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and its Protocol.

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**Commencement Information**

**II** S. 38 in force at 1.8.2008 for specified purposes by [S.I. 2008/1818](#), art. 2(a), [Sch.](#)

**Status:**

Point in time view as at 01/08/2008.

**Changes to legislation:**

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