



# Immigration Act 2016

## 2016 CHAPTER 19

### PART 6

#### BORDER SECURITY

#### **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.

#### **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—

“(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)”.

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*Status: This is the original version (as it was originally enacted).*

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(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).