

Changes to legislation: Nationality and Borders Act 2022, SCHEDULE 6 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 6

Section 43(2)

WORKING IN UNITED KINGDOM WATERS: CONSEQUENTIAL AND RELATED AMENDMENTS

Immigration Act 1971 (c. 77)

1 The Immigration Act 1971 is amended as follows.

Commencement Information

- I1** Sch. 6 para. 1 in force at 24.8.2022 for specified purposes by S.I. 2022/912, reg. 2(b)(i)
I2 Sch. 6 para. 1 in force at 12.4.2023 in so far as not already in force by S.I. 2023/283, reg. 3(b)

2 In section 8 (exceptions for seamen etc), after subsection (1) insert—

“(1A) Subsection (1) does not apply in relation to a member of the crew of a ship who is an offshore worker within the meaning of section 11A.”

Commencement Information

- I3** Sch. 6 para. 2 in force at 12.4.2023 by S.I. 2023/283, reg. 3(b)

3 In section 11 (references to entry etc), after subsection (1) insert—

“(1ZA) See also section 11A (additional means by which persons arriving in United Kingdom waters for work can enter the UK).”

Commencement Information

- I4** Sch. 6 para. 3 in force at 12.4.2023 by S.I. 2023/283, reg. 3(b)

4 In section 28 (proceedings for offences)—

(a) before subsection (1) insert—

“(A1) Proceedings for an offence under this Part that is committed in the territorial sea adjacent to the United Kingdom may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.”;

(b) in subsection (2A), for “section 25 or 25A” substitute “this Part”.

Commencement Information

- I5** Sch. 6 para. 4 not in force at Royal Assent, see s. 87(1)
I6 Sch. 6 para. 4(a) in force at 12.4.2023 by S.I. 2023/283, reg. 3(b)
I7 Sch. 6 para. 4(b) in force at 24.8.2022 by S.I. 2022/912, reg. 2(b)(ii)

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- 5 In section 28L (interpretation of Part 3) —
- (a) in subsection (1), at the beginning insert “Subject to subsection (1A)”;
 - (b) after subsection (1) insert—
 - “(1A) In this Part “premises” also includes any artificial island, installation or structure (including one in the territorial sea adjacent to the United Kingdom).”

Commencement Information

I8 Sch. 6 para. 5 in force at 12.4.2023 by S.I. 2023/283, reg. 3(b)

- 6 In section 28M (enforcement powers in relation to ships: England and Wales), in subsection (2)(a)—
- (a) for “section” substitute—
 - “(i) section 24B,”;
 - (b) for “, and” substitute “, or
 - (ii) section 21 of the Immigration, Asylum and Nationality Act 2006, and”.

Commencement Information

I9 Sch. 6 para. 6 in force at 12.4.2023 by S.I. 2023/283, reg. 3(b)

- 7 In section 28N (enforcement powers in relation to ships: Scotland), in subsection (2)(a)—
- (a) for “section” substitute—
 - “(i) section 24B,”;
 - (b) for “, and” substitute “, or
 - (ii) section 21 of the Immigration, Asylum and Nationality Act 2006, and”.

Commencement Information

I10 Sch. 6 para. 7 in force at 12.4.2023 by S.I. 2023/283, reg. 3(b)

- 8 In section 28O (enforcement powers in relation to ships: Northern Ireland), in subsection (2)(a)—
- (a) for “section” substitute—
 - “(i) section 24B,”;
 - (b) for “, and” substitute “, or
 - (ii) section 21 of the Immigration, Asylum and Nationality Act 2006, and”.

Commencement Information

I11 Sch. 6 para. 8 in force at 12.4.2023 by S.I. 2023/283, reg. 3(b)

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- 9 (1) Schedule 2 (administrative provision as to control on entry etc) is amended as follows.
- (2) In paragraph 2—
- (a) in sub-paragraph (1), for the words from “who have” to “United Kingdom)” substitute “within sub-paragraph (1A)”;
- (b) after sub-paragraph (1) insert—
- “(1A) The persons are—
- (a) any person who has arrived in the United Kingdom by ship or aircraft (including transit passengers, members of the crew and others not seeking to enter the United Kingdom);
- (b) any person who has arrived in United Kingdom waters by ship or aircraft who the immigration officer has reason to believe is an offshore worker.
- (1B) In sub-paragraph (1A), “offshore worker” and “United Kingdom waters” have the same meaning as in section 11A.”
- (3) In paragraph 27—
- (a) after sub-paragraph (1) insert—
- “(1A) Sub-paragraph (1) also applies to the captain of a ship or aircraft arriving in United Kingdom waters if—
- (a) there are offshore workers on board, or
- (b) an immigration officer has informed the captain that they wish to examine any person on board in the exercise of the power under paragraph 2.
- (1B) In sub-paragraph (1A), “offshore worker” and “United Kingdom waters” have the same meaning as in section 11A.”
- (4) In paragraph 27B—
- (a) after sub-paragraph (1) insert—
- “(1A) This paragraph also applies to ships or aircraft—
- (a) which have offshore workers on board, and
- (b) which—
- (i) have arrived, or are expected to arrive, in United Kingdom waters, or
- (ii) have left, or are expected to leave, United Kingdom waters.”;
- (b) after sub-paragraph (9A) insert—
- “(9B) “Offshore worker” and “United Kingdom waters” have the same meaning in this paragraph as in section 11A.”
- (5) In paragraph 27BA—
- (a) after sub-paragraph (1) insert—
- “(1A) The Secretary of State may also make regulations requiring responsible persons in respect of ships or aircraft—
- (a) which have offshore workers on board, and

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- (b) which—
- (i) have arrived, or are expected to arrive, in United Kingdom waters, or
- (ii) have left, or are expected to leave, United Kingdom waters,
- to supply information to the Secretary of State or an immigration officer.”;
- (b) in sub-paragraph (2), after “(1)” insert “or (1A)”;
- (c) after sub-paragraph (5) insert—

“(5A) For the purposes of this paragraph, “offshore workers” and “United Kingdom waters” have the same meaning as in section 11A.”

Commencement Information

I12 Sch. 6 para. 9 in force at 12.4.2023 by S.I. 2023/283, reg. 3(b)

- 10 (1) Schedule 4A (maritime enforcement powers) is amended as follows.
- (2) In paragraph 1(2), after the opening words insert—
“the 2006 Act” means the Immigration, Asylum and Nationality Act 2006;”.
- (3) In paragraph 2(1)(a), for “25 or 25A” substitute “24B, 25 or 25A of this Act or section 21 of the 2006 Act”.
- (4) In paragraph 3(1)(a), for “25, 25A and 25B” substitute “24B, 25, 25A or 25B of this Act or section 21 of the 2006 Act”.
- (5) In paragraph 4(1), for “25, 25A or 25B” substitute “24B, 25, 25A or 25B of this Act or section 21 of the 2006 Act”.
- (6) In paragraph 12(2), after the opening words insert—
“the 2006 Act” means the Immigration, Asylum and Nationality Act 2006;”.
- (7) In paragraph 13(1)(a), for “25 or 25A” substitute “24B, 25 or 25A of this Act or section 21 of the 2006 Act”.
- (8) In paragraph 14(1)(a), for “25 or 25A” substitute “24B, 25 or 25A of this Act or section 21 of the 2006 Act”.
- (9) In paragraph 15(1), for “25 or 25A” substitute “24B, 25 or 25A of this Act or section 21 of the 2006 Act”.
- (10) In paragraph 23(2), after the opening words insert—
“the 2006 Act” means the Immigration, Asylum and Nationality Act 2006;”.
- (11) In paragraph 24(1)(a), for “25 or 25A” substitute “24B, 25 or 25A of this Act or section 21 of the 2006 Act”.
- (12) In paragraph 25(1)(a), for “25 or 25A” substitute “24B, 25 or 25A of this Act or section 21 of the 2006 Act”.

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- (13) In paragraph 26(1), for “25 or 25A” substitute “24B, 25 or 25A of this Act or section 21 of the 2006 Act”.

Commencement Information

I13 Sch. 6 para. 10 in force at 12.4.2023 by S.I. 2023/283, reg. 3(b)

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I9 Sch. 6 para. 6 in force at 12.4.2023 by S.I. 2023/283, reg. 3(b)
I10 Sch. 6 para. 7 in force at 12.4.2023 by S.I. 2023/283, reg. 3(b)
I11 Sch. 6 para. 8 in force at 12.4.2023 by S.I. 2023/283, reg. 3(b)
I12 Sch. 6 para. 9 in force at 12.4.2023 by S.I. 2023/283, reg. 3(b)
I13 Sch. 6 para. 10 in force at 12.4.2023 by S.I. 2023/283, reg. 3(b)

Immigration, Asylum and Nationality Act 2006 (c. 13)

- 11 In section 21 of the Immigration, Asylum and Nationality Act 2006 (offence of employing a person who is disqualified from employment by their immigration status), after subsection (3) insert—

“(3A) Proceedings for an offence under this section that is committed in the territorial sea adjacent to the United Kingdom may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

(3B) Section 3 of the Territorial Waters Jurisdiction Act 1878 (consent of Secretary of State for certain prosecutions) does not apply to proceedings for an offence under this section.”

Commencement Information

I14 Sch. 6 para. 11 in force at 12.4.2023 by S.I. 2023/283, reg. 3(b)

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

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

- s. 54(6)(c) and word inserted by [2023 c. 37 s. 57\(11\)\(b\)](#)
- s. 63(2A) inserted by [2023 c. 37 s. 29\(3\)](#)
- s. 63(3)(fa)(fb) inserted by [2023 c. 37 s. 29\(4\)\(b\)](#)
- s. 63(5A)(5B) inserted by [2023 c. 37 s. 29\(5\)](#)
- s. 63(8) inserted by [2023 c. 37 s. 28\(9\)](#)
- s. 65(8A) inserted by [2023 c. 37 s. 28\(12\)](#)