

2006 No. 2226 (C. 75)

IMMIGRATION

**The Immigration, Asylum and Nationality Act 2006
(Commencement No. 2) Order 2006**

Made - - - -

13th August 2006

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

Citation and interpretation

1. This Order may be cited as the Immigration, Asylum and Nationality Act 2006 (Commencement No. 2) Order 2006.

2. In this Order, “the Act” means the Immigration, Asylum and Nationality Act 2006.

Commencement

3. Subject to article 4, the provisions of the Act specified in Schedule 1 to this Order shall come into force on 31st August 2006.

Transitional provisions

4.—(1) Sections 1 to 3 and section 5 of the Act shall apply only in respect of a decision made on or after 31st August 2006.

(2) The substitution of section 89 of the Nationality, Immigration and Asylum Act 2002(b) by section 6 of the Act shall not have effect in relation to a decision made before 31st August 2006.

(3) Section 3C of the Immigration Act 1971(c) (continuation of leave to enter or remain pending variation decision), as amended by section 11(1) to (4) of the Act, shall apply in relation to an application made before 31st August 2006, in respect of which no decision has been made before 31st August 2006, as it applies to such an application made on or after 31st August 2006.

(4) Section 3D of the Immigration Act 1971 (continuation of leave following revocation), as inserted by section 11(5) of the Act, shall apply only in relation to a decision made on or after 31st August 2006.

(5) Notwithstanding its repeal by sections 11(6) and 61 of the Act, section 82(3) of the Nationality, Immigration and Asylum Act 2002 shall continue to have effect in relation to a decision made before 31st August 2006.

(6) Where, immediately before 31st August 2006, a passport or other document produced or found in accordance with paragraph 4 of Schedule 2 to the Immigration Act 1971 is being

(a) 2006 c. 13.
(b) 2002 c. 41.
(c) 1971 c. 77.

examined or detained by an immigration officer under paragraph 4(2A) or paragraph 4(4) of that Schedule, paragraph 4(4) as substituted by section 27 of the Act shall apply to the examination or detention of those documents on or after 31st August 2006 as if it had been in force on the date on which the passport or other document was produced or found, and paragraph 4(2A) shall cease to have effect.

(7) Paragraph 4(5) of Schedule 2 to the Immigration Act 1971 as substituted by section 27 of the Act shall apply only where the examination under paragraph 2, 2A or 3 of that Schedule begins on or after 31st August 2006.

(8) A certificate issued under section 33 of the Anti-terrorism, Crime and Security Act 2001(a) shall for the purpose of legal proceedings before the Special Immigration Appeals Commission be deemed to have been made under section 55 of the Act.

Home Office
13th August 2006

Scotland of Asthal, Q.C.
Minister of State

SCHEDULE 1

Article 3

Section 1 (variation of leave to enter or remain)

Section 2 (removal)

Section 3 (grounds of appeal)

Section 5 (failure to provide documents)

Section 6 (refusal of leave to enter)

Section 7 (deportation)

Section 11 (continuation of leave)

Section 14 (consequential amendments) together with all the provisions of Schedule 1 except paragraph 11.

Section 19 (code of practice)

Section 23 (discrimination: code of practice)

Section 27 (documents produced or found)

Section 28 (fingerprinting)

Section 29 (attendance for fingerprinting)

Section 40 (searches: contracting out)

Section 41 (section 40: supplemental)

Section 42 (information: embarking passengers)

Section 46 (inspection of detention facilities)

Section 49 (capacity to make nationality application)

Section 53 (arrest pending deportation)

(a) 2001 c.24.

Section 54 (refugee convention: construction)

Section 55 (refugee convention: certification)

Section 59 (detained persons: national minimum wage)

Section 61 (repeals) together with Schedule 3, to the extent that they relate to the entries in that Schedule listed in Schedule 2 to this Order.

SCHEDULE 2

Article 4

Repeals

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Prison Act 1952 (c.52)	Section 55(4A).
Immigration Act 1971 (c.77)	Schedule 2, paragraph 4(2A).
Anti-terrorism, Crime and Security Act 2001 (c.24)	Section 33.
Nationality, Immigration and Asylum Act 2002 (c.41)	Section 82(3).

EXPLANATORY NOTE

(This note is not part of the Order)

Subject to article 4, article 3 of this Order brings into force on 31st August 2006 those provisions of the Immigration, Asylum and Nationality Act 2006 listed in Schedule 1. Article 4 makes transitional provision in relation to a number of the sections being brought into force.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 10 (grants)	16.6.2006	2006/1497
Section 30 (proof of right of abode)	16.6.2006	2006/1497
Section 43 (accommodation)	16.6.2006	2006/1497
Section 45 (integration loans)	30.6.2006	2006/1497
Section 48 (removal: cancellation of leave)	16.6.2006	2006/1497
Section 56 (deprivation and citizenship)	16.6.2006	2006/1497
Section 57 (deprivation and right of abode)	16.6.2006	2006/1497
Section 60 (money)	16.6.2006	2006/1497
Section 61 (repeals)(partially)	16.6.2006	2006/1497

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