

**2008 No. 309 (C. 9)**

**IMMIGRATION**

**The UK Borders Act 2007 (Commencement No. 2 and  
Transitional Provisions) Order 2008**

*Made* - - - -

*8th February 2008*

The Secretary of State makes the following Order in exercise of the powers conferred by section 59(2) to (4) of the UK Borders Act 2007<sup>(a)</sup>.

**Citation and interpretation**

**1.**—(1) This Order may be cited as the UK Borders Act 2007 (Commencement No. 2 and Transitional Provisions) Order 2008.

(2) In this Order “the 2007 Act” means the UK Borders Act 2007.

**Commencement**

**2.** Subject to article 5, the following provisions of the 2007 Act shall come into force on 29th February 2008—

- (a) section 27 (employment: arrest); and
- (b) section 28 (employment: search for personnel records).

**3.** The following provisions of the 2007 Act shall come into force on 31st March 2008—

- (a) subject to article 6, section 25 (forfeiture of detained property); and
- (b) sections 44 to 47 (search for evidence of nationality and seizure of nationality documents).

**4.** The following provisions of the 2007 Act shall come into force on 1st April 2008—

- (a) subject to article 7, section 26 (disposal of property) to the extent to which it is not already in force;
- (b) sections 48 to 50 (Border and Immigration Inspectorate: appointment, office and reports);
- (c) section 51 (Border and Immigration Inspectorate: plans) for the purposes of making an order under subsections (2) to (6);
- (d) sections 52 and 53 (Border and Immigration Inspectorate: relationship with other bodies) for the purposes of making an order under those provisions;
- (e) section 54 (Border and Immigration Inspectorate: abolition of other bodies);
- (f) section 55 (Border and Immigration Inspectorate: prescribed matters);
- (g) section 56 (Border and Immigration Inspectorate: Senior President of Tribunals); and

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(a) 2007 c. 30.

(h) the Schedule (repeals) to the extent to which it is not already in force.

**Transitional provision**

5. In relation to employment which commenced before 29th February 2008, including employment which continued on or after that date, section 28AA (arrest with warrant)(a) and section 28FA(2) (power to search business premises)(b) of the Immigration Act 1971 shall continue to have effect in respect of an offence under section 8 of the Asylum and Immigration Act 1996 (restrictions on employment)(c).

6. An order made under section 25(1) of the 2007 Act may be made in proceedings instituted before the passing of the 2007 Act.

7. An order made under section 26(2) of the 2007 Act may have effect in relation to property which came into the possession of an immigration officer or the Secretary of State before the passing of the 2007 Act.

Home Office  
8th February 2008

*Liam Byrne*  
Minister of State

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(a) Section 28AA of the Immigration Act 1971 (c. 77) was inserted by section 152 of the Nationality, Immigration and Asylum Act 2002 (c. 41) and has since been amended by section 27 of the 2007 Act.

(b) Section 28FA was inserted into the Immigration Act 1971 by section 154 of the Nationality, Immigration and Asylum Act 2002 and has since been amended by section 28 of the 2007 Act.

(c) 1996 c. 49. Section 8 of the 1996 Act is repealed by section 21 of the Immigration, Asylum and Nationality Act 2006 but will continue to have effect in relation to employment which commenced before 29th February 2008 (including employment which continued on or after that date): the Immigration, Asylum and Nationality Act 2006 (Commencement No. 8 and Transitional and Saving Provisions) Order 2008 (S.I. 2008/—).

## **EXPLANATORY NOTE**

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

This Order brings into force provisions of the UK Borders Act 2007 (“the 2007 Act”). The provisions specified in article 2 are, subject to the transitional provision in article 5, brought into force on 29th February 2008. The provisions specified in article 3 are brought into force on 31st March 2008 and the provisions in article 4 are brought into force on 1st April 2008. The transitional provision in article 6 applies to the commencement of the provision in article 3(a) and the transitional provision in article 7 applies to the commencement of the provision in article 4(a).

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the UK Borders Act 2007 have been brought into force by commencement order made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 4 (detention at ports)	31.01.2008	S.I. 2008/99
Sections 5 to 8 (biometric registration)	31.01.2008	S.I. 2008/99
Section 10 (biometric registration: objection to penalty) (partially)	31.01.2008	S.I. 2008/99
Section 11 (biometric registration: appeal in respect of penalty) (partially)	31.01.2008	S.I. 2008/99
Section 13 (biometric registration: code of practice regarding penalty) (partially)	31.01.2008	S.I. 2008/99
Sections 14 and 15 (biometric registration: prescribed matters and interpretation)	31.01.2008	S.I. 2008/99
Section 16 (conditional leave to enter or remain)	31.01.2008	S.I. 2008/99
Section 18 (support for asylum-seekers: enforcement)	31.01.2008	S.I. 2008/99
Section 20 (fees)	31.01.2008	S.I. 2008/99
Sections 22 and 23 (assaulting an immigration officer: offence and power of arrest)	31.01.2008	S.I. 2008/99
Section 26 (disposal of property) (partially)	31.01.2008	S.I. 2008/99
Sections 29 to 31 (facilitation and trafficking)	31.01.2008	S.I. 2008/99
Sections 40 to 43 (supply and wrongful disclosure of information)	31.01.2008	S.I. 2008/99
Schedule (partially)	31.01.2008	S.I. 2008/99

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