

SCHEDULE 2

Transitional and Saving Provisions

Section 45 of, and Schedule 7 to, the 2022 Act

8.—(1) Paragraph (2) applies where—

- (a) before the appointed day, the Secretary of State has given authority under sections 28M(3), 28N(3) or 28O(3) of the 1971 Act⁽¹⁾ for the exercise of powers set out in Schedule 4A to that Act in relation to a ship, and
- (b) pursuant to that authority, those powers are in the process of being exercised in relation to that ship immediately before the appointed day.

(2) The authority referred to in paragraph (1)(a) is to be treated as authority under section 28LA(3) of the 1971 Act⁽²⁾ in relation to that ship for the exercise of the powers set out in Part A1 of Schedule 4A to the 1971⁽³⁾ Act in United Kingdom waters, other than—

- (a) the power conferred by paragraph B1(2)(c) of Part A1 of that Schedule, except to the extent it permits requiring the ship to be taken to a port in the United Kingdom and detained there;
- (b) the power conferred by paragraph B1(2)(d) of Part A1 of that Schedule.

(3) In paragraph (2), “United Kingdom waters” means the sea and other waters within the seaward limits of the United Kingdom’s territorial sea.

(1) Sections 28M, 28N and 28O were inserted by section 75 of, and paragraphs 1 and 7 of Schedule 14 to, the Immigration Act 2016 (c. 19).

(2) Section 28(LA) is inserted by paragraph 2 of Schedule 7 to the Nationality and Borders Act 2022.

(3) Part A1 of Schedule 4A to the Immigration Act 1971 is inserted by paragraph 10 of Schedule 7 to the Nationality and Borders Act 2022.