

Border Security, Asylum and Immigration Act 2025

CHAPTER 31

Explanatory Notes have been produced to assist in the understanding of this Act and are available separately

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Border Security, Asylum and Immigration Act 2025

CHAPTER 31

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Border Security, Asylum and Immigration Act 2025

2025 CHAPTER 31

An Act to make provision about border security; to make provision about immigration and asylum; to make provision about sharing customs data and trailer registration data; to make provision about articles for use in serious crime; to make provision about serious crime prevention orders; to make provision about fees paid in connection with the recognition, comparability or assessment of qualifications; and for connected purposes.

[2nd December 2025]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

BORDER SECURITY

CHAPTER 1

THE BORDER SECURITY COMMANDER

1 The Border Security Commander

(1) The Secretary of State must designate a civil servant as the Border Security Commander ("the Commander").

(2) The Commander is to carry out the functions of that office on behalf of the Crown.

(3) Service as the Commander is service in the civil service of the State.

(4) The Secretary of State must make arrangements for the provision to the Commander by civil servants or other persons (or both) of such assistance as the Secretary of State considers appropriate.

2 Terms and conditions of designation etc

(1) The Commander is to hold and vacate office in accordance with the terms and conditions of the Commander's designation, subject to subsections (3) to (5).

(2) The terms and conditions of a designation as Commander are to be determined by the Secretary of State.

(3) In addition to any terms and conditions about termination determined under subsection (2), the Secretary of State may terminate a person's designation as the Commander—

(a) in the interests of efficiency or effectiveness,

(b) because of misconduct by the Commander, or

(c) because of failure by the Commander to comply with the terms and conditions of the designation.

(4) Before terminating a person's designation as the Commander, the Secretary of State must—

(a) give the Commander a written explanation of the reasons why the Secretary of State is proposing to do so,

(b) give the Commander the opportunity to make written representations about the proposal to do so, and

(c) consider any written representations made by the Commander.

(5) If, having complied with subsection (4), the Secretary of State determines that a person's designation as Commander should be terminated, the Secretary of State may terminate that designation—

(a) with immediate effect, or

(b) on such date or at the end of such period as the Secretary of State may determine.

3 Functions of the Commander

(1) In exercising the Commander's functions, the Commander must have regard to the objectives of—

(a) maximising the effectiveness of the activities of partner authorities relating to threats to border security, for the purpose of minimising such threats, and

(b) maximising the coordination of those activities for that purpose.

(2) The Commander must from time to time issue a document (a "strategic priority document") which sets out what, in the Commander's view, are—

(a) the principal threats to border security when the document is issued, and

(b) the strategic priorities to which partner authorities should have regard in exercising their functions in relation to any of the threats identified under paragraph (a).

(3) A partner authority must have regard to the strategic priority document in exercising its functions in relation to threats to border security.

(4) Before issuing a strategic priority document the Commander must—

(a) consult the Board at a meeting of the Board, and

(b) obtain the consent of the Secretary of State to issue the document.

(5) In this Chapter—

"border security" means the security of the United Kingdom's borders;

"partner authority" means, subject to subsection (6) and section 10, a public authority with functions in relation to threats to border security (whether exercisable in the United Kingdom or elsewhere);

"public authority" means a person with functions of a public nature.

(6) The following are not partner authorities for the purposes of this Chapter—

(a) the Security Service;

(b) the Secret Intelligence Service;

(c) GCHQ.

(7) For the purposes of this Chapter (but subject to subsection (9)), threats to border security include the passage or conveyance of any person or thing towards, into or out of the United Kingdom, or the organisation of or preparation for such passage or conveyance, in circumstances mentioned in subsection (8).

(8) Those circumstances are where such passage or conveyance, or the organisation of or preparation for such passage or conveyance—

(a) constitutes an offence under the law of any part of the United Kingdom,

(b) creates a risk of the commission of an offence under the law of any part of the United Kingdom, or

(c) threatens harm of any kind to persons or property in the United Kingdom.

(9) For the purposes of this Chapter, threats to border security do not include threats relating to a customs revenue matter within the meaning of Part 1 of the Borders, Citizenship and Immigration Act 2009 (see section 7(2) of that Act).

4 Duty to prepare annual reports

(1) As soon as reasonably practicable after the end of each financial year, the Commander must prepare an annual report for the financial year.

(2) The annual report must—

(a) state how the Commander has carried out the functions of the Commander in the financial year, and

(b) set out the Commander's views on the performance in the financial year of the border security system, with particular reference to any strategic priorities specified by the Commander in relation to that year under section 3(2)(b).

(3) The Commander must send a copy of the report to the Secretary of State.

(4) The Secretary of State must—

(a) lay a copy of the report before Parliament, and

(b) arrange for it to be published.

(5) In this section—

"the border security system" means the systems and processes for minimising threats to border security;

"financial year" means—

(a) the period beginning on the day on which this section comes into force and ending on the following 31 March, and

(b) each successive period of 12 months.

5 Duties of cooperation etc

(1) A partner authority must, so far as appropriate and reasonably practicable, cooperate with the Commander in the carrying out of the Commander's functions.

(2) The duty under subsection (1) extends only so far as the cooperation is compatible with the exercise of the partner authority's other functions.

(3) The Commander and a person to whom this subsection applies must put in place arrangements governing cooperation between the Commander and that person in support of the Commander's functions.

(4) Subsection (3) applies to—

(a) the Director-General of the Security Service,

(b) the Chief of the Secret Intelligence Service, and

(c) the Director of GCHQ.

6 The Board

(1) The Commander must establish and maintain a board to assist the Commander in the exercise of the Commander's functions.

(2) That board—

(a) is to operate under such name as is specified from time to time by the Commander, but

(b) is referred to in this Chapter as "the Board".

(3) The members of the Board are to be—

(a) the Commander, who is to be the chair of the Board, and

(b) one or more representatives nominated by each relevant partner authority.

(4) In subsection (3)(b) "relevant partner authority" means a partner authority which the Commander has for the time being determined should nominate one or more representatives to the Board.

(5) The Commander may invite any public authority other than a partner authority to nominate one or more representatives of that authority to attend a particular meeting of the Board.

(6) The Commander must hold meetings of the Board at such intervals as the Commander thinks appropriate.

(7) Where a person is required by virtue of this section to nominate a representative as a member of the Board, the person—

(a) must take reasonable steps to ensure that the representative attends meetings of the Board, and

(b) may, if the representative is unable to attend a particular meeting, arrange for another representative of that person to attend as a member of the Board in that representative's place.

7 Delegation by the Commander

(1) The functions conferred on the Commander by this Chapter may be exercised by any civil servant authorised by the Commander for that purpose.

(2) An authorisation given for the purposes of this section may provide that a function may be exercised—

(a) wholly or to a limited extent;

(b) generally or in particular cases or areas;

(c) unconditionally or subject to conditions.

(3) An authorisation given for the purposes of this section—

(a) may specify its duration,

(b) may specify or describe the person authorised,

(c) may be varied or revoked at any time by the Commander, and

(d) does not prevent the Commander from exercising the function to which the authorisation relates.

(4) Anything done or omitted to be done by or in relation to a person authorised under this section in, or in connection with, the exercise or purported exercise of the function concerned is to be treated for all purposes as done or omitted to be done by or in relation to the Commander.

8 Designation of an Interim Border Security Commander

(1) This section applies if the Secretary of State thinks that—

(a) the designation of a person as the Commander has terminated, or is going to terminate, and there will be a gap before a new designation is made, or

(b) the Commander is, or is going to be, temporarily incapacitated or temporarily unavailable to exercise the Commander's functions.

(2) The Secretary of State may designate a civil servant as the Interim Border Security Commander to exercise the functions of the Commander under this Chapter for such period as the Secretary of State thinks appropriate.

(3) That period may not be longer than the period for which no Commander is designated or (as the case may be) the Commander is incapacitated or unavailable.

(4) While a designation under this section has effect, references in this Chapter (other than in this section) or in any other enactment or instrument to the Commander include a reference to the Interim Border Security Commander.

(5) An individual is not prevented from being designated as the Commander merely because they have previously been designated as the Interim Border Security Commander.

9 Directions and guidance by the Secretary of State

(1) The Commander must comply with directions given by the Secretary of State about the exercise of the Commander's functions under this Chapter.

(2) The Commander must have regard to guidance issued by the Secretary of State about the exercise of those functions.

(3) Directions and guidance under this section may be revised or withdrawn from time to time.

10 Exclusion of application to the armed forces

This Chapter does not apply in relation to the naval, military or air forces of the Crown (including reserve forces); and references in this Chapter to the functions of the Commander or to partner authorities are to be read accordingly.

11 Amendment of Schedule 7 to the Data Protection Act 2018

In Schedule 7 to the Data Protection Act 2018 (competent authorities for the purposes of Part 3), after paragraph 56 insert—

"57 The Border Security Commander."

12 Interpretation

In this Chapter—

"the Board" has the meaning given by section 6(2)(b);

"border security" has the meaning given by section 3(5);

"civil servant" means an individual who is employed in the civil service of the State;

"the Commander" means the Border Security Commander;

"GCHQ" has the same meaning as in the Intelligence Services Act 1994 (see section 3(3) of that Act);

"partner authority" has the meaning given by section 3(5);

"public authority" has the meaning given by section 3(5);

"threats to border security" is to be constructed in accordance with section 3(7) to (9).

CHAPTER 2

OTHER BORDER SECURITY PROVISION

Offences: things for use in immigration crime and advertising of unlawful immigration services

13 Supplying articles for use in immigration crime

(1) A person ("P") commits an offence if—

(a) P supplies or offers to supply a relevant article to another person, and

(b) at the time P does so, P knows or suspects that the relevant article is to be used by any person in connection with an offence under section 24 or 25 of the Immigration Act 1971 (illegal entry etc and assisting unlawful immigration).

(2) A person ("P") commits an offence if—

(a) P is concerned in the supplying of, or the making of an offer to supply, a relevant article to another person, and

(b) at any time when P is concerned in that act, P knows that the relevant article is to be used by any person in connection with an offence under section 24 or 25 of the Immigration Act 1971.

(3) It is a defence for a person charged with an offence under this section to show that they had a reasonable excuse for the action mentioned in subsection (1)(a) or (2)(a) (as the case may be).

(4) The cases in which a person has a reasonable excuse for the purposes of subsection (3) include (but are not limited to) those in which—

(a) their action was for the purposes of carrying out a rescue of a person from danger or serious harm, or

(b) they were acting on behalf of an organisation which—

(i) aims to assist asylum-seekers, and

(ii) does not charge for its services.

(5) A person is regarded as having shown that they had a reasonable excuse for their action if—

(a) sufficient evidence of that matter is adduced to raise an issue with respect to it, and

(b) the contrary is not proved beyond reasonable doubt.

(6) A person who commits an offence under this section is liable on conviction on indictment to imprisonment for a term not exceeding 14 years.

(7) In this section and sections 14 and 16 "asylum-seeker" means a person who intends to claim that to remove them from or require them to leave the United Kingdom would be contrary to the United Kingdom's obligations under—

(a) the Refugee Convention (within the meaning given by section 167(1) of the Immigration and Asylum Act 1999), or

(b) the Human Rights Convention (within the meaning given by that section).

14 Handling articles for use in immigration crime

(1) A person ("P") commits an offence if, in the circumstances mentioned in subsection (2)—

(a) P receives or arranges to receive a relevant article from another person,

(b) P removes or disposes of a relevant article for the benefit of another person, or

(c) P assists another person to remove or dispose of a relevant article.

(2) Those circumstances are where, at the time P does the act mentioned in subsection (1), P knows or suspects that the relevant article has been, is being, or is to be used by P or any other person in connection with an offence under section 24 or 25 of the Immigration Act 1971.

(3) A person ("P") commits an offence if, in the circumstances mentioned in subsection (4), P is concerned in—

(a) the receipt of, or the arranging to receive, a relevant article from another person, or

(b) the removal or disposal of a relevant article for the benefit of another person.

(4) Those circumstances are where, at any time when P is concerned in an act as mentioned in subsection (3), P knows that the relevant article has been, is being, or is to be used by P or any other person in connection with an offence under section 24 or 25 of the Immigration Act 1971.

(5) It is a defence for a person charged with an offence under this section to show that they had a reasonable excuse for the action mentioned in subsection (1) or (3) (as the case may be).

(6) The cases in which a person has a reasonable excuse for the purposes of subsection (5) include (but are not limited to) those in which—

(a) their action was for the purposes of carrying out a rescue of a person from danger or serious harm, or

(b) they were acting on behalf of an organisation which—

(i) aims to assist asylum-seekers, and
(ii) does not charge for its services.

(7) A person is regarded as having shown that they had a reasonable excuse for their action if—
(a) sufficient evidence of that matter is adduced to raise an issue with respect to it, and
(b) the contrary is not proved beyond reasonable doubt.

(8) A person who commits an offence under this section is liable on conviction on indictment to imprisonment for a term not exceeding 14 years.

15 Sections 13 and 14: meaning of "relevant article"

(1) In sections 13 and 14 "relevant article" means any thing or substance, other than—
(a) food or drink,
(b) anything designed for use in connection with the preparation, supply, consumption or storage of food or drink,
(c) a medicinal product or medical equipment,
(d) any thing or substance designed for use for the purposes of personal cleanliness or personal hygiene,
(e) clothing,
(f) bedding,
(g) a tent or other form of temporary shelter,
(h) anything designed solely or principally to preserve the life of a person in distress at sea, or
(i) anything designed solely or principally to enable a person in distress at sea to signal for help.

(2) In subsection (1)—
(a) paragraph (d) does not include—
(i) anything which is or includes a blade or sharp point,
(ii) any thing or substance in a glass container, or
(iii) any thing or substance in an aerosol container;
(b) paragraphs (g) and (h) do not include a vessel designed to be used for transportation by water.

(3) The Secretary of State may by regulations amend this section so as to—
(a) add to the list of things and substances for the time being specified in subsection (1) as things and substances which are not relevant articles;
(b) make provision which is consequential on provision made under paragraph (a).

16 Collecting information for use in immigration crime

(1) A person ("P") commits an offence if, in the circumstances mentioned in subsection (2)—

(a) P collects or makes a record of information of a kind likely to be useful to a person organising or preparing for a relevant journey or part of such a journey,

(b) P possesses a document or record containing information of that kind, or

(c) P views, or otherwise accesses, by means of the internet a document or record containing information of that kind.

(2) Those circumstances are where there is a reasonable suspicion that the record or document, or any information contained in it, will be used by P or any other person in organising or preparing for a relevant journey or part of such a journey.

(3) The cases in which P collects or makes a record for the purposes of subsection (1)(a) include (but are not limited to) those in which P does so by means of the internet (whether by downloading the record or otherwise).

(4) For the purposes of this section information may be useful for a particular purpose whether or not it may also be useful to members of the public at large for any purpose.

(5) In this section "relevant journey" means a journey involving the transportation of one or more individuals from any place outside the United Kingdom to any place within the United Kingdom, where the entry of any of those individuals into the United Kingdom, or the arrival of any of those individuals in the United Kingdom, would constitute an offence under section 24 of the Immigration Act 1971.

(6) It is a defence for a person charged with an offence under this section to show that their action or possession was for the purposes of a journey to be made only by them.

(7) It is a defence for a person charged with an offence under this section to show that they had a reasonable excuse for the action or possession mentioned in subsection (1).

(8) The cases in which a person has a reasonable excuse for the purposes of subsection (7) include (but are not limited to) those in which—

(a) at the time of the person's action or possession the person did not know, and had no reason to believe, that the document or record in question contained, or was likely to contain, information of a kind likely to be useful to a person organising or preparing for a relevant journey or part of such a journey,

(b) the person's action or possession was for the purposes of—

(i) organising or preparing for a journey other than a relevant journey,

(ii) carrying out work as a journalist,

(iii) academic research,

(iv) carrying out, or preparing for the carrying out of, a rescue of a person from danger or serious harm, or

(v) providing, or preparing for the provision of, medical care or emergency shelter or supplies, or

(c) the person was acting on behalf of an organisation which—

(i) aims to assist asylum-seekers, and

(ii) does not charge for its services.

(9) Where, in accordance with subsection (6) or (7), it is a defence for a person charged with an offence to show a particular matter, they are regarded as having shown the matter if—

(a) sufficient evidence of that matter is adduced to raise an issue with respect to it, and

(b) the contrary is not proved beyond reasonable doubt.

(10) A person who commits an offence under this section is liable on conviction on indictment to imprisonment for a term not exceeding 5 years.

(11) In this section "record" includes a photographic or electronic record.

17 Online advertising of unlawful immigration services

(1) A person commits an offence if—

(a) the person creates, or causes the creation of, material whose purpose is, or effect will be, to promote an unlawful immigration service, and

(b) the person knows or has reason to suspect—

(i) that the material will be published on an internet service, and

(ii) that the material has that purpose or will have that effect.

(2) A person commits an offence if—

(a) the person publishes material on an internet service or causes the publication of material on such a service,

(b) the purpose of the material is, or the effect of the material will be, to promote an unlawful immigration service, and

(c) the person knows or has reason to suspect—

(i) that they are publishing the material or (as the case may be) that they are causing its publication, and

(ii) that the material has that purpose or will have that effect.

(3) It is a defence for a person charged with an offence under this section to prove that the person's action was for the purposes of—

(a) carrying out, or facilitating the carrying out of, work as a journalist, or

(b) the publication of academic research.

(4) A person who commits an offence under this section is liable—

(a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);

(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);

(c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);

(d) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).

(5) In this section "material" means anything which consists of or includes—

(a) text or moving or still images, or

(b) speech or music.

(6) In this section—

(a) "unlawful immigration service" means a service whose purpose is to facilitate the commission of—

(i) an offence under any of the Immigration Acts,

(ii) a breach of immigration law (other than such an offence), or

(iii) an offence under section 4, 5 or 6 of the Identity Documents Act 2010 in relation to an identity document within any of paragraphs (a) to (c) of section 7(1) of that Act,

whether by providing goods or services, or both, or anything else;

(b) "immigration law" has the meaning given by section 25(2) of the Immigration Act 1971.

(7) In this section "publish" means make available to the public at large or any section of the public, whether or not in return for payment or any other form of consideration.

(8) In this section "internet service" means a service that is made available by means of—

(a) the internet, or

(b) a combination of the internet and an electronic communications service (as defined by section 32(2) of the Communications Act 2003).

(9) This section is subject to section 18.

18 Application of section 17 to internet service providers

(1) An internet service provider does not commit an offence under section 17 by—

(a) providing access to a communication network, or

(b) transmitting, in a communication network, information provided by a user, if the provider does not—

(i) initiate the transmission,

(ii) select the recipient of the transmission, or

(iii) select or modify the information contained in the transmission.

(2) The references in subsection (1) to providing access to, or transmitting information in, a communication network include storing the information transmitted so far as the storage—

(a) is automatic, intermediate and transient,

(b) is solely for the purpose of carrying out the transmission in the network, and

(c) is for no longer than is reasonably necessary for the transmission.

(3) An internet service provider does not commit an offence under section 17 by storing information provided by a user for transmission in a communication network if—

(a) the storage of the information—

(i) is automatic, intermediate and temporary, and

(ii) is solely for the purpose of making more efficient the onward transmission of the information to other users at their request, and

(b) the internet service provider—

(i) does not modify the information,

(ii) complies with any conditions attached to having access to the information, and

(iii) on obtaining actual knowledge of a matter within subsection (4), promptly removes the information or disables access to it.

(4) The matters within this subsection are that—

(a) the information at the initial source of the transmission has been removed from the network,

(b) access to it has been disabled, or

(c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.

(5) An internet service provider does not commit an offence under section 17 by storing information provided by a user who is not acting under the authority or control of the provider if—

(a) the provider had no actual knowledge when the information was provided that it was, or contained, material whose purpose was, or effect would be, to promote an unlawful immigration service, and

(b) on obtaining actual knowledge that the information was, or contained, such material, the provider promptly removed the information or disabled access to it.

(6) Section 17(5) and (6) applies for the purposes of this section.

(7) In this section—

"internet service provider" means a provider of—

(a) a service that is made available by means of the internet, or

(b) a service that provides access to the internet;

"user", in relation to an internet service provider, means a user of a service provided by the internet service provider.

19 Liability for offence under section 17 committed by a body

(1) This section applies where an offence under section 17 is committed by a body.

(2) If the offence is committed with the consent or connivance of a person ("P") who is—

(a) a relevant person in relation to the body, or

(b) a person purporting to act in the capacity of a relevant person in relation to the body,

P (as well as the body) commits the offence and is liable to be proceeded against and punished accordingly.

(3) In this section—

"body" means a body corporate, a partnership or an unincorporated association other than a partnership;

"relevant person", in relation to a body, means—

(a) in the case of a body corporate other than one whose affairs are managed by its members, a director, manager, secretary or other similar officer of the body;

(b) in the case of a limited liability partnership or other body corporate whose affairs are managed by its members, a member who exercises functions of management with respect to it;

(c) in the case of a limited partnership, a general partner (within the meaning given by section 3 of the Limited Partnerships Act 1907);

(d) in the case of any other partnership, a partner;

(e) in the case of an unincorporated association other than a partnership, a person who exercises functions of management with respect to it.

20 Offences committed outside the United Kingdom

(1) Section 13(1) or (2), 14(1) or (3), 16(1) or 17(1) or (2) applies to things done inside or outside the United Kingdom, regardless of—

(a) the nationality of the person by whom they are done, or

(b) whether they are done by a body formed under the law of any part of the United Kingdom or the law of any other country or territory.

(2) Where an offence under section 13, 14, 16 or 17 is committed outside the United Kingdom—

(a) proceedings for the offence may be taken at any place in the United Kingdom, and

(b) the offence may for all incidental purposes be treated as having been committed at any such place.

(3) In the application of subsection (2) to Scotland, any such proceedings against a person may be taken—

(a) in any sheriff court district in which the person is apprehended or is in custody, or

(b) in such sheriff court district as the Lord Advocate may determine.

(4) For the purposes of subsection (3), "sheriff court district" is to be read in accordance with the Criminal Procedure (Scotland) Act 1995 (see section 307(1) of that Act).

(5) 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 section 13, 14, 16 or 17.

Endangering another during sea crossing to United Kingdom

21 Endangering another during sea crossing to United Kingdom

(1) Section 24 of the Immigration Act 1971 (illegal entry and similar offences) is amended in accordance with subsections (2) to (8).

(2) After subsection (E1) insert—

"(E1A) A person commits an offence under this subsection if—

(a) the person commits an offence under subsection (A1), (B1), (D1) or (E1),

(b) the person's journey which resulted in their entry into, or arrival in, the United Kingdom as mentioned in subsection (A1), (B1), (D1) or (E1) (as the case may be) was a journey by water from France, Belgium or the Netherlands, and

(c) at any time during the relevant period, the person did an act that caused, or created a risk of, the death of, or serious personal injury to, another person.

(E1B) For the purposes of subsection (E1A)(c) and this subsection—

(a) "personal injury" means physical or psychological injury;

(b) "the relevant period" means the period—

(i) beginning when the person first left dry land in France, Belgium or the Netherlands for the purpose of making the journey, and

(ii) ending when the person first reached dry land in the United Kingdom;

(c) land is to be regarded as "dry land" at any particular time if it is not covered by water at that time."

(3) In subsection (F1)—

(a) in the words before paragraph (a), for "(E1)" substitute "(E1A)";

(b) in paragraph (d), after sub-paragraph (ii) insert—

"(iii) for an offence under subsection (E1A) committed in connection with an offence under subsection (A1), to imprisonment for a term not exceeding six years or a fine (or both);

(iv) for an offence under subsection (E1A) committed in connection with an offence under subsection (B1), (D1) or (E1), to imprisonment for a term not exceeding five years or a fine (or both)."

(4) In subsection (3), after "(E1)" insert ", (E1A)".

(5) In subsection (4), for "under subsection (B1) above of" substitute "under subsection (B1) or (E1A) in relation to".

(6) In subsection (5), for "under subsection (D1) above of" substitute "under subsection (D1) or (E1A) in relation to".

(7) After subsection (5) insert—

"(6) Subsection (E1A) applies to acts carried out inside or outside the United Kingdom."

(8) After subsection (6) (as inserted by subsection (7)) insert—

"(7) If, on the trial of a person charged with an offence under subsection (E1A) in connection with the commission of an offence under subsection (A1), (B1), (D1) or (E1), a magistrates' court, sheriff or jury finds the person not guilty of the offence charged, the magistrates' court, sheriff or jury may find the person guilty of an offence under subsection (A1), (B1), (D1) or (E1) as the case may be."

(9) In the Immigration Act 1971—

(a) in section 28B(5) (search and arrest by warrant), after "(E1)" insert ", (E1A)";

(b) in section 28D(4) (entry and search of premises), after "(E1)" insert ", (E1A)";

(c) in section 28Q(1) (interpretation of Part 3A), in paragraph (a) of the definition of "relevant offence", for "or (E1)," substitute ", (E1) or (E1A),".

(10) In the Nationality, Immigration and Asylum Act 2002—

(a) in section 129(1) (duty on local authority to disclose information on suspected immigration offences), in paragraph (a), after "(E1)" insert ", (E1A)";

(b) in section 134(1) (duty on employer to disclose information on suspected immigration offences), in paragraph (a), after "(E1)" insert ", (E1A)".

Powers of search etc in relation to electronic devices

22 Meaning of key expressions

(1) This section defines key expressions used in this section and sections 23 to 26.

(2) "Relevant person" means a person who—

(a) has entered or arrived in the United Kingdom as mentioned in subsection (3) (whether before or after this section comes into force), and

(b) has not subsequently been given leave to enter or remain in the United Kingdom.

(3) A person has entered or arrived in the United Kingdom as mentioned in this subsection if the person—

(a) requires leave to enter the United Kingdom but has entered the United Kingdom without such leave,

(b) has entered the United Kingdom in breach of a deportation order,

(c) requires entry clearance under the immigration rules but has arrived in the United Kingdom without a valid entry clearance, or

(d) is required under the immigration rules not to travel to the United Kingdom without an electronic travel authorisation that is valid for the person's journey to the United Kingdom, but has arrived in the United Kingdom without such an electronic travel authorisation.

(4) "Relevant article" means any thing which appears to an authorised officer to be a thing on which information that relates, or may relate, to the commission (whether in the past or future) of an offence under section 25 or 25A of the Immigration Act 1971 is, or may be, stored in electronic form.

(5) Section 11(1) of the Immigration Act 1971 (person deemed not to enter United Kingdom before disembarkation, while in controlled area or while under immigration control) applies for the purposes of this section as it applies for the purposes of that Act.

(6) "Authorised officer" means—

(a) an immigration officer,

(b) a constable of a police force maintained by a local policing body,

(c) a constable of the Police Service of Scotland,

(d) a constable of the Police Service of Northern Ireland, or

(e) an NCA officer,

(and see also section 28).

(7) For the meaning of other expressions used in this section, see section 29.

23 Powers of authorised officers to search for relevant articles

(1) An authorised officer may search a relevant person for any relevant article if the officer has reasonable grounds to suspect that the relevant person is in possession of a relevant article.

(2) An authorised officer may search a person under subsection (1) only if the person has not previously been searched under that subsection since the person's entry or arrival as mentioned in section 22(3).

(3) The power of an authorised officer to search a person under subsection (1)—
- (a) authorises the search of the person's mouth, and
- (b) authorises the officer to require the person to remove an outer coat, jacket or glove (but no other clothing).

(4) An authorised officer may search property for any relevant article if the officer has reasonable grounds to suspect that the property—
- (a) is or has been in the possession of a relevant person, and
- (b) contains or includes a relevant article.

(5) An authorised officer may search premises for any relevant article if—
- (a) the officer is lawfully on the premises,
- (b) the officer has reasonable grounds to suspect that a relevant article that is or has been in the possession of a relevant person is on the premises, and
- (c) the relevant person was on the premises when, or immediately before, an authorised officer encountered the person.

(6) An authorised officer may search a vehicle or container for any relevant article if—
- (a) the officer has reasonable grounds to suspect that a relevant article that is or has been in the possession of a relevant person is in the vehicle or container, and
- (b) either—
  - (i) the officer has reasonable grounds to suspect that the relevant person was in the vehicle or container at the time of their arrival in the United Kingdom or at any time during a journey which ended with their arrival in the United Kingdom, or
  - (ii) the relevant person was in the vehicle or container when, or immediately before, an authorised officer encountered the person.

(7) A constable may exercise a power to search under this section only if the search is authorised by a police officer of at least the rank of inspector.

(8) If an inspector gives an authorisation under subsection (7), the inspector must, as soon as it is practicable to do so, cause an officer of at least the rank of superintendent to be informed.

(9) An NCA officer may exercise a power to search under this section only if the search is authorised by an NCA officer at or above a grade that is equivalent to the rank of inspector.

(10) If an NCA officer gives an authorisation under subsection (9), the NCA officer must, as soon as it is practicable to do so, cause an NCA officer at or above a grade that is equivalent to the rank of superintendent to be informed.

(11) A constable or an NCA officer may use reasonable force, if necessary, in the exercise of a power under this section.

(12) Paragraphs 21 and 22 of Schedule 5 to the Crime and Courts Act 2013 (offences of resistance, wilful obstruction and assault) apply in relation to an NCA officer exercising a power under this section as they apply in relation to a designated officer acting in the exercise of an operational power within the meaning of that Schedule.

24 Powers to seize and retain relevant articles

(1) An authorised officer may seize any relevant article that—
  (a) is found on a search carried out under section 23, or
  (b) is not found on a search but appears to the officer to be, or to have been, in the possession of a relevant person.

(2) A constable may seize a relevant article under subsection (1) only if the seizure of the article is authorised by a police officer of at least the rank of inspector.

(3) If an inspector gives an authorisation under subsection (2), the inspector must, as soon as it is practicable to do so, cause an officer of at least the rank of superintendent to be informed.

(4) An NCA officer may seize a relevant article under subsection (1) only if the seizure of the article is authorised by an NCA officer at or above a grade that is equivalent to the rank of inspector.

(5) If an NCA officer gives an authorisation under subsection (4), the NCA officer must, as soon as it is practicable to do so, cause an NCA officer at or above a grade that is equivalent to the rank of superintendent to be informed.

(6) A constable or an NCA officer may use reasonable force, if necessary, in the exercise of a power under subsection (1).

(7) Paragraphs 21 and 22 of Schedule 5 to the Crime and Courts Act 2013 (offences of resistance, wilful obstruction and assault) apply in relation to an NCA officer exercising a power under subsection (1) as they apply in relation to a designated officer acting in the exercise of an operational power within the meaning of that Schedule.

(8) A relevant article seized by a constable or an NCA officer under subsection (1) may be given by a constable or an NCA officer to an immigration officer or the Secretary of State.

(9) A relevant article seized under subsection (1) or given under subsection (8)—

(a) may be retained by an authorised officer or the Secretary of State for so long as the authorised officer or the Secretary of State considers its retention necessary—

(i) for the purposes of accessing, examining or copying information stored on the article as mentioned in section 26, or

(ii) for use in proceedings for an offence;

(b) must, subject to subsections (8) and (11) and section 25, be returned when paragraph (a) ceases to apply in relation to it.

(10) A relevant article which must be returned in accordance with subsection (9)(b) must be returned—

(a) to the person from whom it was seized, or

(b) if there is no such person, to the person who an authorised officer reasonably believes was last in possession of the article before it was seized.

(11) Subsection (12), (13), (14) or (16) applies (as the case may be) to a relevant article to which subsection (9)(a) ceases to apply if—

(a) there is no person to whom it can be returned in accordance with subsection (10), and

(b) it is not required to be dealt with in accordance with section 25.

(12) If the relevant article is in the possession of an immigration officer or the Secretary of State, it must be disposed of in accordance with section 26 of the UK Borders Act 2007 and any regulations made under that section.

(13) If the relevant article is in the possession of a constable of a police force maintained by a local policing body, or of an NCA officer, it must be disposed of in accordance with the Police (Property) Act 1897, and any regulations under that Act, as if it were property that has come into the possession of the constable or NCA officer in connection with the investigation of a suspected offence.

(14) If the relevant article is in the possession of a constable of the Police Service of Scotland, it must be disposed of in accordance with Part 6 of the Civic Government (Scotland) Act 1982 as if—

(a) it were property that has been delivered to a constable under section 67 of that Act, and

(b) it were delivered to a constable on the date when subsection (9)(a) of this section ceased to apply to it.

(15) In the application of Part 6 of that Act in relation to a relevant article by virtue of subsection (14), references in that Part to action which may or must be taken in relation to the finder of property are to be disregarded.

(16) If the relevant article is in the possession of a constable of the Police Service of Northern Ireland, it must be disposed of in accordance with section 31 of the Police (Northern Ireland) Act 1998, and any regulations under that section, as if it were property that has come into the possession of the constable in connection with the investigation of a suspected offence.

25 Duty to pass on items seized under section 24

(1) This section applies if—

(a) an immigration officer retains a relevant article under section 24(9)(a), and

(b) the immigration officer reasonably believes that the article or information stored on it has been obtained in consequence of the commission of, or is evidence in relation to, an offence other than an immigration offence (a "relevant offence").

(2) Subject to subsection (3), the immigration officer must, as soon as is reasonably practicable after forming the belief mentioned in subsection (1)(b), notify a person who the immigration officer thinks has functions in relation to the investigation of the relevant offence.

(3) If the immigration officer reasonably believes that the relevant article or information stored on it has also been obtained in consequence of the commission of, or is evidence in relation to, an immigration offence—

(a) subsection (2) does not apply, and

(b) the immigration officer may notify a person who the immigration officer thinks has functions in relation to the investigation of the relevant offence.

(4) A person notified under this section that a relevant article is being retained by an immigration officer must, as soon as is reasonably practicable after being so notified, inform the immigration officer whether the person will accept the article.

(5) The person may inform the immigration officer that the person will not accept the relevant article only if—

(a) the person does not think the article or information stored on it has been obtained in consequence of the commission of, or is evidence in relation to, an offence,

(b) the person does not have functions in relation to the investigation of the relevant offence, or

(c) the person thinks that it would be more appropriate for the relevant offence to be investigated by another person with such functions.

(6) If the person informs the immigration officer that the person will accept the relevant article, the immigration officer must give it to the person as soon as is reasonably practicable.

(7) Once the relevant article has been given as mentioned in subsection (6), any provision of an enactment which applies to items seized or taken away by the person applies to the article as if it had been seized or taken away by the person for the purposes of the investigation of the relevant offence.

(8) If the person informs the immigration officer that the person will not accept the relevant article because subsection (5)(a) applies, the immigration officer must, as soon as is reasonably practicable, decide whether to continue to retain the relevant article under section 24(9).

(9) If the person informs the immigration officer that the person will not accept the relevant article because subsection (5)(b) or (c) applies, the immigration officer must, as soon as is reasonably practicable—

(a) notify another person (if any) who the immigration officer thinks has functions in relation to the investigation of the relevant offence that the article is being retained by an immigration officer, or

(b) if there is no such person, decide whether to continue to retain the relevant article under section 24(9).

(10) Where a relevant article to which this section applies or information stored on such an article has been obtained in consequence of the commission of, or is evidence in relation to, more than one offence other than an immigration offence, references in this section to the relevant offence are to any of those offences.

(11) A function conferred or imposed by this section on an immigration officer may be exercised by any other immigration officer.

(12) This section applies to a relevant article retained under section 24(9)(a) by the Secretary of State as it applies to a relevant article retained under that provision by an immigration officer.

(13) In the application of this section by virtue of subsection (12), references to an immigration officer (other than in subsection (11)) are to be read as references to the Secretary of State.

(14) In this section—

"enactment" includes—

(a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978,

(b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament,

(c) an enactment contained in, or in an instrument made under, a Measure or Act of Senedd Cymru, and

(d) an enactment contained in, or in an instrument made under, Northern Ireland legislation;

"immigration offence" means an offence which relates to an immigration or nationality matter.

26 Powers to access, copy and use information stored on relevant articles

(1) An authorised officer or the Secretary of State may—

(a) access and examine any information stored on a relevant article that is retained under section 24(9)(a);

(b) copy and retain any information stored on the relevant article that relates, or may relate, to the commission (whether in the past or future) of an offence under section 25 or 25A of the Immigration Act 1971;

(c) use any information retained under paragraph (b) for a purpose relating to the prevention, detection, investigation or prosecution of such an offence.

(2) A constable may access, examine, copy, retain or use information under subsection (1) only if the accessing, examination, copying, retention or use of the information is authorised by a police officer of at least the rank of inspector.

(3) If an inspector gives an authorisation under subsection (2), the inspector must, as soon as it is practicable to do so, cause an officer of at least the rank of superintendent to be informed.

(4) An NCA officer may access, examine, copy, retain or use information under subsection (1) only if the accessing, examination, copying, retention or use of the information is authorised by an NCA officer of a grade that is equivalent to the rank of inspector or above.

(5) If an NCA officer gives an authorisation under subsection (4), the NCA officer must, as soon as it is practicable to do so, cause an NCA officer of a grade that is equivalent to the rank of superintendent or above to be informed.

27 Amendment of the Criminal Justice and Police Act 2001

(1) The Criminal Justice and Police Act 2001 is amended as follows.

(2) In section 57(1) (retention of seized items), after paragraph (x) (inserted by the Public Authorities (Fraud, Error and Recovery) Act 2025) insert—

"(y) section 24(9) to (16) of the Border Security, Asylum and Immigration Act 2025."

(3) In Part 1 of Schedule 1 (powers of seizure to which section 50 of the Act applies), after paragraph 73X (inserted by the Football Governance Act 2025) insert—

"Border Security, Asylum and Immigration Act 2025

73Y The power of seizure conferred by section 24(1) of the Border Security, Asylum and Immigration Act 2025."

(4) In Part 2 of Schedule 1 (powers of seizure to which section 51 of the Act applies), after paragraph 83B insert—

"Border Security, Asylum and Immigration Act 2025

83C The power of seizure conferred by section 24(1) of the Border Security, Asylum and Immigration Act 2025."

(5) In Part 3 of Schedule 1 (powers of seizure to which section 55 of the Act applies), after paragraph 114 insert—

"Border Security, Asylum and Immigration Act 2025

115 The power of seizure conferred by section 24(1) of the Border Security, Asylum and Immigration Act 2025."

28 Extension of powers to other persons

(1) The Secretary of State may by regulations provide—

(a) that a reference to an authorised officer or an immigration officer in section 22, 23, 24 or 26 includes a person of a description specified in the regulations;

(b) that a person of a description so specified may, if necessary, use reasonable force in the exercise of any function conferred by virtue of the regulations.

(2) The descriptions of person that may be specified in the regulations include persons designated by the Secretary of State in accordance with the regulations.

(3) Where persons are designated by the Secretary of State as mentioned in subsection (2) the regulations must contain such safeguards relating to the designation as the Secretary of State considers appropriate.

29 Meaning of other expressions

In sections 22 to 26 and this section—

"container" has the meaning given by section 1 of the Customs and Excise Management Act 1979;

"deportation order" means an order under section 5 of the Immigration Act 1971;

"electronic travel authorisation" means an authorisation in electronic form to travel to the United Kingdom;

"entry clearance" has the meaning given by section 33(1) of the Immigration Act 1971;

"immigration officer" means a person appointed by the Secretary of State as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971;

"immigration rules" means rules under section 3(2) of the Immigration Act 1971;

"NCA officer" means National Crime Agency officer;

"premises" includes any place and in particular includes any tent or movable structure;

"ship" has the meaning given by section 28Q of the Immigration Act 1971;

"vehicle" includes—

(a) any ship, train (including any locomotive and railway rolling stock of any description), aircraft or bicycle, and
(b) anything designed or adapted for being towed by a vehicle.

Sharing of information

30 Supply of customs information by HMRC

(1) HMRC, or anyone acting on HMRC's behalf, may supply information held by them in connection with HMRC's customs functions to a person listed in subsection (3) for use for the purposes of that person's functions.

(2) In this section "HMRC's customs functions" means HMRC's functions in their capacity as a customs service and includes in particular their functions in that capacity relating to—
(a) the movement of goods or cash into, out of or within the United Kingdom, and
(b) the imposition, enforcement or other regulation of any tax or duty relating to such movement of goods.

(3) The persons mentioned in subsection (1) are—
(a) a Minister of the Crown or a government department,
(b) an immigration officer,
(c) a designated customs official,
(d) the Director of Border Revenue,
(e) the Border Security Commander,
(f) a UK authorised person,
(g) the government of a country or territory outside the United Kingdom,
(h) a person in a country or territory outside the United Kingdom with public functions relating to—
(i) the movement of goods or cash into or out of that country or territory, or
(ii) the imposition, enforcement or other regulation of any tax or duty relating to such movement of goods, and
(i) an international organisation to which this subsection applies.

(4) Subsection (3) applies to an international organisation if—
(a) it has functions relating to the movement of goods or cash across international borders, or
(b) an international arrangement makes provision for cooperation between HMRC and the international organisation.

(5) In this section—
"cash" means—
(a) notes and coins in any currency, and
(b) any bearer-negotiable or other monetary instrument;

"goods" has the same meaning as in the Customs and Excise Management Act 1979 (see section 1 of that Act);

"government department" includes—

(a) a part of the Scottish Administration,

(b) a Northern Ireland department,

(c) the Welsh Government, and

(d) a body or authority exercising statutory functions on behalf of the Crown;

"international arrangement" means an international agreement or arrangement to which any of the following is a party—

(a) the United Kingdom;

(b) His Majesty's Government;

(c) HMRC;

(d) the Commissioners for His Majesty's Revenue and Customs;

"international organisation" has the same meaning as in the Data Protection Act 2018 (see section 205(1) of that Act);

"Minister of the Crown" has the same meaning as in the Ministers of the Crown Act 1975 (see section 8(1) of that Act).

31 Use and disclosure of information supplied under section 30

(1) Subject to the following provisions of this section, a person who receives information under section 30(1)—

(a) may use it only for the purposes for which it was supplied, and

(b) may not further disclose it without the consent of the Commissioners for His Majesty's Revenue and Customs (which may be general or specific).

(2) Information supplied under subsection (1) of section 30 to a person within subsection (3)(a) to (f) of that section for use for the purposes of particular functions of that person may be used by them for the purposes of any of their other functions.

(3) A person to whom this subsection applies may supply information received under section 30(1) to another person ("B") to whom this subsection applies for use for the purposes of any of B's functions.

(4) Subsection (3) applies to—

(a) the Secretary of State for the Home Department, and

(b) a person within subsection (3)(b) to (e) of section 30.

(5) If at any time the Secretary of State by whom general customs functions are exercisable is not the Secretary of State for the Home Department, subsection (4) is to be read at that time as if it included a reference to the Secretary of State by whom general customs functions are exercisable.

(6) Information that has been supplied under section 30(1) or subsection (3) of this section to a person mentioned in section 30(3)(b) to (e) is to be treated

for the purposes of subsections (7) to (10) of this section as also having been supplied to that person under section 30(1) in their capacity as an official of the Secretary of State.

(7) A person within subsection (3)(a) or (f) of section 30 may, to the extent that this is not otherwise permitted by subsection (3) of this section, supply information received under subsection (1) of section 30 to a person within subsection (3)(a) to (f) of that section for use for any of the following purposes—

(a) any purpose for which the information was supplied under subsection (1) of that section;

(b) immigration purposes;

(c) the purposes of exercising a customs function;

(d) the law enforcement purposes;

(e) human welfare purposes;

(f) safeguarding national security;

(g) purposes connected with—

(i) a criminal investigation, or

(ii) civil or criminal proceedings,

(including investigations and proceedings outside the United Kingdom).

(8) The Secretary of State by whom immigration and nationality functions are exercisable may supply information received under section 30(1) to any person (whether or not within the United Kingdom) for use for any of the following purposes—

(a) a purpose within section 40(1) of the UK Borders Act 2007;

(b) purposes connected with—

(i) a criminal investigation relating to an immigration or nationality matter, or

(ii) civil or criminal proceedings relating to such a matter,

(including investigations and proceedings outside the United Kingdom).

(9) The Secretary of State by whom general customs functions are exercisable may supply information received under section 30(1) to any person (whether or not within the United Kingdom) for use for purposes connected with—

(a) a criminal investigation, or

(b) civil or criminal proceedings relating to a customs function,

(including investigations and proceedings outside the United Kingdom).

(10) A person who receives information under or by virtue of—

(a) section 30(1),

(b) subsection (1)(b), (7), (8) or (9) of this section, or

(c) section 32(3) or (4)(b),

may supply the information to any person in pursuance of an order of a court.

(11) This section does not prevent the disclosure of information to HMRC.

(12) This section is subject to section 32.

(13) In this section—

"immigration and nationality functions" has the meaning given by section 40(4) of the UK Borders Act 2007;

"immigration or nationality matter" means a matter in respect of which the Secretary of State has immigration and nationality functions.

32 Further provision about use and disclosure of information under section 31

(1) Section 31(2), (7), (8) or (9) does not apply if the use or supply of the information would breach any restrictions imposed by HMRC, or a person acting on HMRC's behalf, when the information was supplied under section 30(1).

(2) A person who receives information under or by virtue of subsection (1)(b), (7), (8) or (9) of section 31 or by virtue of subsection (3) or (4)(b) of this section may use it only for the purposes for which it was supplied.

(3) A person who receives information under or by virtue of subsection (1)(b), (7), (8) or (9) of section 31 or by virtue of this subsection may not further disclose it without the consent of the Commissioners for His Majesty's Revenue and Customs (which may be general or specific).

(4) A person who receives information under subsection (3) of section 31 or by virtue of this subsection may not further disclose it—

(a) in the case only of information received under subsection (3) of section 31, except as permitted by subsection (3), (7), (8), (9) or (10) of that section;

(b) without the consent of the Commissioners for His Majesty's Revenue and Customs (which may be general or specific).

(5) A person who supplies information in reliance on subsection (1)(b), (7), (8) or (9) of section 31 or subsection (3) or (4)(b) of this section must notify the recipient of the limitations and prohibitions that apply to the information by virtue of this section.

(6) Subsection (7) applies if—

(a) a person discloses information in contravention of subsection (1)(b) of section 31 or subsection (3) or (4)(b) of this section, and

(b) the information relates to a person whose identity is specified in, or can be deduced from, the disclosure.

(7) Section 19 of the Commissioners for Revenue and Customs Act 2005 (offence of wrongful disclosure) applies in relation to the disclosure as it applies in relation to a disclosure in contravention of section 20(9) of that Act.

(8) This section does not prevent the disclosure of information to HMRC.

33 Supply of trailer registration information

(1) The Secretary of State for Transport may supply trailer registration information in accordance with subsections (3) to (8).

(2) "Trailer registration information" means any information held by the Secretary of State for Transport under Part 2 of the Haulage Permits and Trailer Registration Act 2018.

(3) The information may be supplied to the Secretary of State for the Home Department for use in connection with any of the following purposes—

(a) immigration purposes;
(b) the law enforcement purposes;
(c) human welfare purposes;
(d) purposes connected with the exercise of functions under the Proceeds of Crime Act 2002;
(e) safeguarding national security;
(f) responding to an emergency.

(4) The information may be supplied to the Secretary of State by whom general customs functions are exercisable for use in connection with a customs function exercisable by the Secretary of State.

(5) The information may be supplied to the National Crime Agency for use in connection with any NCA functions.

(6) The information may be supplied to HMRC for use in connection with any HMRC functions.

(7) The information may be supplied to a UK authorised person or a UK authorising officer for use in connection with any of the following purposes—

(a) specified purposes related to policing;
(b) the law enforcement purposes;
(c) safeguarding national security.

(8) The information may be supplied to a non-UK authorised person or a non-UK authorising officer for use in connection with any of the following purposes—

(a) the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security;
(b) purposes connected with the exercise of any statutory functions of the recipient relating to customs, excise, immigration or the proceeds of crime.

(9) Information received by the Secretary of State under subsection (3) may be supplied by the Secretary of State to any of the following persons for use in connection with any of the purposes listed in subsection (3)—

(a) an immigration officer;
(b) a designated customs official;
(c) the Border Security Commander.

(10) Information received by the Secretary of State under subsection (4) may be supplied by the Secretary of State to either or both of the following persons for use in connection with a customs function exercisable by the person—

(a) the Director of Border Revenue;

(b) a designated customs official.

(11) If at any time the Secretary of State by whom general customs functions are exercisable is not the Secretary of State for the Home Department, subsection (3) is to be read at that time as if the reference to the Secretary of State for the Home Department included a reference to the Secretary of State by whom general customs functions are exercisable.

34 Onwards sharing of information shared under section 33

(1) A person who receives information under section 33(3), (4), (9) or (10) may supply the information—

(a) to a person exercising public functions (whether or not within the United Kingdom) for use in connection with any of the following purposes—

(i) immigration purposes;

(ii) the purposes of exercising a customs function;

(iii) specified purposes related to policing;

(iv) the law enforcement purposes;

(v) human welfare purposes;

(vi) safeguarding national security;

(vii) responding to an emergency;

(viii) purposes connected with civil or criminal legal proceedings or a criminal investigation (including proceedings or an investigation outside the United Kingdom), or

(b) to another person in pursuance of—

(i) an order of a court, or

(ii) an agreement to which the United Kingdom or His Majesty's Government is a party.

(2) A UK authorised person or a UK authorising officer who receives information under section 33(7) may supply the information as mentioned in subsection (1)(a) or (b)(i).

35 Sections 30 to 34: general provision about disclosure

(1) Nothing in sections 30 to 34 limits the circumstances in which information may be supplied apart from those sections.

(2) Sections 30 to 34 do not authorise a disclosure of information if the disclosure would contravene the investigatory powers legislation.

(3) In this section "the investigatory powers legislation" means Parts 1 to 7 and Chapter 1 of Part 9 of the Investigatory Powers Act 2016.

36 Sections 30 to 34: interpretation

(1) This section applies for the purposes of sections 30 to 34.

(2) References to the following persons have the following meanings—

"the Border Security Commander" means the person designated under section 1 of this Act;

"designated customs official" has the same meaning as in Part 1 of the Borders, Citizenship and Immigration Act 2009 (see section 14(6) of that Act);

"the Director of Border Revenue" means the person designated under section 6 of the Borders, Citizenship and Immigration Act 2009;

"HMRC" means His Majesty's Revenue and Customs;

"immigration officer" means a person appointed by the Secretary of State as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971.

(3) A "UK authorised person" means—

(a) for the purposes of section 30, a person in the first column of the following table who is authorised to receive information under section 30(1) by the person specified in the corresponding entry in the second column of the table;

(b) for the purposes of sections 33 and 34, a person in the first column of the following table who is authorised to receive information under section 33(7) by the person specified in the corresponding entry in the second column of the table.

Person	Authorising officer
a constable or other person who is under the direction and control of a person who has the direction and control of a body of constables	the person under whose direction and control the constable or other person is
a member of a service police force or other person who is under the direction and control of a Provost Marshal	the relevant Provost Marshal

(4) In the table in subsection (3)—

"constable" includes special constable;

"relevant Provost Marshal" means—

(a) in relation to a member of a service police force—

(i) the Provost Marshal of that service police force, or

(ii) in the case of a member of the tri-service serious crime unit described in section 375(1A) of the Armed Forces Act 2006, the Provost Marshal for serious crime;

(b) in relation to any other person who is under the direction and control of a Provost Marshal, the Provost Marshal under whose direction and control the person is;

"service police force" has the same meaning as in the Armed Forces Act 2006 (see section 375(1) of that Act).

(5) A "UK authorising officer" means—

(a) a person having the direction and control of a body of constables, and

(b) a Provost Marshal.

(6) A "non-UK authorised person" means a person specified in the first column of the following table who is authorised to receive information under section 33(8) by the person specified in the corresponding entry in the second column of the table.

Person	Authorising officer
A member of the States of Jersey Police Force	The Chief Officer of the States of Jersey Police Force
A Deputy Agent of the Impôts or an officer of the Impôts	The Agent of the Impôts of the Bailiwick of Jersey
An employee or member of the Jersey Financial Intelligence Unit	The Director of the Jersey Financial Intelligence Unit
A member of the salaried Police Force of the Island of Guernsey	The Chief Officer of the salaried Police Force of the Island of Guernsey
An employee of the States of Guernsey	The Chief Officer of the salaried Police Force of the Island of Guernsey
An officer of Customs and Excise of the Bailiwick of Guernsey	The Chief Officer of Customs and Excise of the Bailiwick of Guernsey
An immigration officer of the Bailiwick of Guernsey	The Chief Officer of Customs and Excise of the Bailiwick of Guernsey
A person authorised to exercise a function of the Director of the Economic and Financial Crime Bureau of the Bailiwick of Guernsey	The Director of the Economic and Financial Crime Bureau of the Bailiwick of Guernsey
A member of staff of the Financial Intelligence Unit of the Bailiwick of Guernsey	The head of the Financial Intelligence Unit of the Bailiwick of Guernsey
A member of the Isle of Man Constabulary	The Chief Constable of the Isle of Man Constabulary
An employee of the Isle of Man Public Services Commission	The Chief Constable of the Isle of Man Constabulary

Person	Authorising officer
An officer of Customs and Excise of the Isle of Man	The Treasury Minister of the Isle of Man
An immigration officer of the Isle of Man	The Treasury Minister of the Isle of Man
A member of staff of the Isle of Man Financial Intelligence Unit	The Director of the Isle of Man Financial Intelligence Unit
A member of the Royal Gibraltar Police	The Commissioner of the Royal Gibraltar Police
A member of the Gibraltar Defence Police	The Chief Officer of the Gibraltar Defence Police
An officer of His Majesty's Customs Gibraltar	The Collector of Customs of His Majesty's Government of Gibraltar

(7) A "non-UK authorising officer" means a person specified in the second column of the table in subsection (6).

(8) References to the following purposes or functions have the following meanings—

"customs function" has the same meaning as in Part 1 of the Borders, Citizenship and Immigration Act 2009 (see section 14(6) of that Act);

"general customs function" has the same meaning as in Part 1 of the Borders, Citizenship and Immigration Act 2009 (see section 1(8) of that Act);

"HMRC functions" means functions of the Commissioners for His Majesty's Revenue and Customs or of officers of Revenue and Customs, within the meaning of the Commissioners for Revenue and Customs Act 2005 (see section 51(2) to (2B) of that Act);

"human welfare purposes" means any of the following—

(a) preventing loss of human life;

(b) preventing serious physical harm to a person;

(c) safeguarding vulnerable people;

"immigration purposes" has the meaning given by section 20(3) of the Immigration and Asylum Act 1999;

"the law enforcement purposes" has the same meaning as in Part 3 of the Data Protection Act 2018 (section 31 of that Act);

"NCA functions" has the same meaning as in Part 1 of the Crime and Courts Act 2013 (see section 16(1) of that Act);

"specified purposes related to policing" means purposes related to policing that are specified in regulations made under this subsection by the Secretary of State.

(9) Before making regulations under subsection (8), the Secretary of State must consult—

(a) the Scottish Ministers,

(b) the Department of Justice in Northern Ireland, and

(c) such persons appearing to the Secretary of State to represent the views of a body of constables in the United Kingdom as the Secretary of State considers appropriate.

Provision of biometric information by evacuees etc

37 Provision of biometric information by evacuees etc

(1) An authorised person may take biometric information from a person to whom this section applies.

(2) This section applies to a person if—

(a) the authorised person reasonably believes that, if the person were to seek to enter the United Kingdom, the person would require leave to do so (whether or not such leave has been given), and

(b) His Majesty's Government is considering whether to facilitate, or is facilitating or has facilitated, the person's departure from a state or territory.

(3) An authorised person may not take biometric information from a child under the age of 16 except in the presence of a person aged 18 or over who is—

(a) the child's parent or guardian, or

(b) a person who for the time being takes responsibility for the child.

(4) The person mentioned in subsection (3)(b) may not be—

(a) an authorised person, or

(b) an officer of the Secretary of State who is not an authorised person.

(5) Subsection (3) does not prevent an authorised person from taking biometric information from a child if the authorised person reasonably believes that the child is aged 16 or over.

(6) In this section and section 38—

"authorised person" means a person authorised by the Secretary of State for the purposes of this section;

"biometric information" has the meaning given by section 15(1A) of the UK Borders Act 2007.

(7) References in this section and section 38 to the taking of biometric information from a person include the recording of biometric information about the person.

(8) Biometric information may be taken under this section outside the United Kingdom.

38 Use and retention of information taken under section 37

(1) An authorised person who takes biometric information under section 37 must supply that information to the Secretary of State as soon as reasonably practicable.

(2) Biometric information taken under section 37 may be used by the Secretary of State in connection with—

(a) the exercise of a function relating to immigration or nationality, or

(b) the exercise of a function relating to law enforcement or the protection of national security.

(3) The Secretary of State may retain biometric information taken under section 37 only if the Secretary of State considers that it is necessary to retain the information for any use mentioned in subsection (2).

(4) The Secretary of State must take all reasonable steps to ensure that the information is destroyed on or before the earliest of the following to occur—

(a) the Secretary of State no longer considering that it is necessary to retain the information for any use mentioned in subsection (2), and

(b) the end of the period of 5 years beginning with the day on which the information was taken.

(5) But the requirement to destroy biometric information does not apply if and in so far as the information is retained under a power apart from subsection (3).

(6) Biometric information retained by the Secretary of State by virtue of subsection (3) may also be used by the Secretary of State for the purpose of identifying a person whose departure His Majesty's Government is considering whether to facilitate, or is facilitating or has facilitated, as mentioned in section 37(2)(b).

(7) Where the Secretary of State's use of biometric information under subsection (6) involves transferring that information to a third country or to an international organisation, the transfer is to be taken as being necessary for important reasons of public interest for the purposes of Article 49(1)(d) of the UK GDPR.

(8) In subsection (7)—

"international organisation" and "third country" have the same meaning as in the UK GDPR (see Article 4 of the Regulation);

"the UK GDPR" has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(10) and (14) of that Act).

Provision of biometric information at ports in Scotland

39 Provision of biometric information at ports in Scotland

(1) In Schedule 8 to the Terrorism Act 2000, in paragraph 20(1) (power to take fingerprints etc: Scotland) for "a person detained under Schedule 7 or section 41 at a police station in Scotland" substitute "—

(a) a person detained under section 41 at a police station in Scotland, or

(b) a person detained under Schedule 7 in Scotland,".

(2) In Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (border security), in paragraph 42(1) (power to take fingerprints etc: Scotland) omit "at a police station".

PART 2

ASYLUM AND IMMIGRATION

Repeal of immigration legislation

40 Repeal of the Safety of Rwanda (Asylum and Immigration) Act 2024

The Safety of Rwanda (Asylum and Immigration) Act 2024 is repealed.

41 Repeal of certain provisions of the Illegal Migration Act 2023

(1) The following provisions of the Illegal Migration Act 2023 are repealed—

(a) sections 1 to 6 and Schedule 1;

(b) sections 7 to 11;

(c) sections 13 to 15 and Schedule 2;

(d) sections 16 to 28;

(e) sections 30 to 51;

(f) sections 53 to 58;

(g) section 61;

(h) section 66.

(2) Section 8AA of the Immigration Act 1971 (persons ineligible for leave to enter and remain, entry clearance and ETA) (inserted by section 30(3) of the Illegal Migration Act 2023) is to be treated as never having been in force.

42 Sections 40 and 41: consequential amendments

(1) In the Immigration Act 1971—

(a) in section 8(1) (exceptions for seamen and aircrews) omit paragraph (d) and the "or" before it;

(b) omit section 8AA (persons ineligible for leave to enter and remain, entry clearance and ETA);

(c) in paragraph 17A of Schedule 2 (periods for which persons may be detained)—

(i) in sub-paragraph (2) omit "(2C),";

(ii) in sub-paragraph (3) omit paragraph (d).

(2) In the British Nationality Act 1981—

(a) in section 3 (acquisition of British citizenship by registration: minors) omit subsection (7);

(b) in section 4 (acquisition of British citizenship by registration: British overseas territories citizens etc) omit subsection (7);

(c) in section 4A (acquisition of British citizenship by registration: further provision for British overseas territories citizens) omit subsection (3);

(d) in section 4AA (acquisition of British citizenship by registration: Irish citizens) (as inserted by section 1(2) of the British Nationality (Irish Citizens) Act 2024) omit subsection (4);

(e) in section 5 (acquisition of British citizenship by registration: British overseas territories citizens having connection with Gibraltar) omit "Subject to sections 31, 32 and 36 of the Illegal Migration Act 2023 (restriction of eligibility for citizenship etc),";

(f) in section 6 (acquisition of British citizenship by naturalisation) omit subsection (3);

(g) in section 10 (registration as British citizen following renunciation of citizenship of UK etc) omit subsection (5);

(h) in section 13 (resumption of British citizenship) omit subsection (4);

(i) in section 17 (acquisition of British overseas territories citizenship by registration: minors) omit subsection (7);

(j) in section 18 (acquisition of British overseas territories citizenship by naturalisation) omit subsection (4);

(k) in section 22 (right to registration as British overseas territories citizen replacing right to resume citizenship of UK etc) omit subsection (5);

(l) in section 24 (renunciation and resumption of British overseas territories citizenship) omit "Subject to sections 31, 33 and 36 of the Illegal Migration Act 2023 (restriction of eligibility for citizenship etc),";

(m) in section 27 (registration of minors as British overseas citizens), in subsection (1), omit "Subject to sections 31, 34 and 36 of the Illegal Migration Act 2023 (restriction of eligibility for citizenship etc),";

(n) in section 32 (registration of minors as British subjects) omit "Subject to sections 31, 35 and 36 of the Illegal Migration Act 2023 (restriction of eligibility for citizenship etc),".

(3) In section 62 of the Nationality, Immigration and Asylum Act 2002 (detention by Secretary of State)—

(a) in subsection (2O), for "to (2A)" substitute "and (2)";

(b) in subsection (2P) omit paragraph (b).

(4) In section 61(2) of the UK Borders Act 2007 (meaning of "the Immigration Acts"), omit paragraph (o).

Immigration advisers and immigration service providers

43 Immigration advisers and immigration service providers

Schedule 1 contains amendments of Part 5 of the Immigration and Asylum Act 1999 (immigration advisers and immigration service providers) and certain related amendments of other provision.

Deportation etc

44 Detention and exercise of functions pending deportation

(1) Paragraph 2 of Schedule 3 to the Immigration Act 1971 (detention or control pending deportation) is amended in accordance with subsections (2) to (5).

(2) For sub-paragraph (2) substitute—

"(2) A person ("P") who is not detained in pursuance of the sentence or order of a court may be detained under the authority of the Secretary of State—

(a) while the Secretary of State considers whether to make a deportation order against P, and

(b) where the Secretary of State decides to make a deportation order against P, pending the making of the deportation order.

(2A) Sub-paragraph (2) applies only if—

(a) the Secretary of State has notified P in writing that the Secretary of State is considering whether to make a deportation order against P, or

(b) where no notice has been given under paragraph (a), the Secretary of State has notified P in writing that the Secretary of State has decided to make a deportation order against P."

(3) In sub-paragraph (3A), for "the deportation order" substitute "the decision whether to make a deportation order, or the deportation order,".

(4) In sub-paragraph (3B), after "prevents" insert "the decision or".

(5) In sub-paragraph (3D), after "considers that" insert "the decision or".

(6) Section 141 of the Immigration and Asylum Act 1999 (fingerprinting) is amended in accordance with subsections (7) to (9).

(7) In subsection (7)—

(a) in paragraph (c), for the words from "has decided" to the end of the paragraph substitute "—

(i) is considering whether to make a deportation order,

(ii) is considering whether section 32(5) of the UK Borders Act 2007 (automatic deportation of foreign criminals) applies,

(iii) has decided to make a deportation order, or

(iv) has decided that section 32(5) of that Act applies;", and

(b) in paragraph (f)(ii), after "(c)(i)" insert "or (iii)".

(8) In subsection (8), in paragraph (c), for the words from ", when" to the end of the paragraph substitute "—

(i) when C is notified of the matter mentioned in subsection (7)(c)(i) or (ii), or

(ii) if no such notification is given to C, when C is notified of the decision mentioned in subsection (7)(c)(iii) or (iv);".

(9) In subsection (9)(c)—

(a) before sub-paragraph (i) insert—

"(zi) the time when C is notified of the Secretary of State's decision not to make a deportation order against C or that section 32(5) of the UK Borders Act 2007 does not apply in respect of C,", and

(b) in sub-paragraph (i), after "(7)(c)" insert "(iii) or (iv)".

(10) Regulation 2 of the Immigration (Collection, Use and Retention of Biometric Information and Related Amendments) Regulations 2021 (S.I. 2021/772) (photographs) is amended in accordance with subsections (11) to (13).

(11) In paragraph (7)—

(a) for sub-paragraph (c) substitute—

"(c) any person ("C") in respect of whom the Secretary of State—

(i) is considering whether to make a deportation order,

(ii) is considering whether section 32(5) of the UK Borders Act 2007 (automatic deportation of foreign criminals) applies,

(iii) has decided to make a deportation order, or

(iv) has decided that section 32(5) of that Act applies;", and

(b) in sub-paragraph (g)(ii), after "(c)(i)" insert "or (iii)".

(12) In paragraph (11), in sub-paragraph (c), for the words from ", when" to the end of the sub-paragraph substitute "—

(i) when C is notified of the matter mentioned in paragraph (7)(c)(i) or (ii), or

(ii) if no such notification is given to C, when C is notified of the decision mentioned in paragraph (7)(c)(iii) or (iv);".

(13) In paragraph (12)(a)(iii)—

(a) before sub-paragraph (aa) insert—

"(zaa) the time when C is notified of the Secretary of State's decision not to make a deportation order against C or that section 32(5) of the UK Borders Act 2007 does not apply in respect of C;", and

(b) in sub-paragraph (aa), for "(7)(c)(i)" substitute "(7)(c)(iii) or (iv)".

(14) Section 51 of the Immigration Act 2016 (search for nationality documents by detainee custody officers etc) is amended in accordance with subsections (15) and (16).

(15) In subsection (2)—

(a) for paragraph (b) substitute—

"(b) in respect of whom the Secretary of State—

(i) is considering whether to make a deportation order under section 5(1) of that Act,

(ii) has decided to make such a deportation order, or

(iii) has made such a deportation order, or",

(b) omit paragraph (c) and the "or" at the end of that paragraph, and

(c) for paragraph (d) substitute—

"(d) in respect of whom the Secretary of State—

(i) is considering whether section 32(5) of the UK Borders Act 2007 (automatic deportation of foreign criminals) applies,

(ii) has decided that section 32(5) of that Act applies, or

(iii) has made such a deportation order in accordance with section 32(5) of that Act."

(16) After subsection (4) insert—

"(4A) The Secretary of State may give a direction as mentioned in subsection (2)(b)(i) or (ii) in relation to a person detained in a prison or young offender institution only if—

(a) the Secretary of State has notified the person in writing that the Secretary of State is considering whether to make a deportation order under section 5(1) of the Immigration Act 1971 against the person, or

(b) where no notice has been given as mentioned in paragraph (a), the Secretary of State has notified the person in writing that the Secretary of State has decided to make such a deportation order against the person.

(4B) The Secretary of State may give a direction as mentioned in subsection (2)(d)(i) or (ii) in relation to a person detained in a prison or young offender institution only if—

(a) the Secretary of State has notified the person in writing that the Secretary of State is considering whether section 32(5) of the UK Borders Act 2007 applies in respect of the person, or

(b) where no notice has been given as mentioned in paragraph (a), the Secretary of State has notified the person in writing that the Secretary of State has decided that section 32(5) of that Act applies in respect of the person."

(17) The amendments made by subsections (1) to (13) are to be treated as always having had effect.

EU Settlement Scheme

45 EU Settlement Scheme: rights of entry and residence etc

(1) For the purposes of this section "relevant citizens' rights" means the rights, powers, liabilities, obligations, restrictions, remedies and procedures which—

(a) are recognised and available in domestic law by virtue of section 7A or 7B of the European Union (Withdrawal) Act 2018, and

(b) are derived from—

(i) Title 2 of Part 2 of the withdrawal agreement or Title 1 or 4 of Part 2 of that agreement so far as relating to Title 2 of that Part,

(ii) Title 2 of Part 2 of the EEA EFTA separation agreement or Title 1 or 4 of Part 2 of that agreement so far as relating to Title 2 of that Part, or

(iii) Article 4(2), 7 or 8 or Chapter 1 of Title 2 of Part 2 of the Swiss citizens' rights agreement or Title 1 of Part 2 of that agreement so far as relating to Chapter 1 of Title 2 of that Part.

(2) Subsection (5) applies to a person ("P") where—

(a) P has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules,

(b) the leave was granted to P on the basis of requirements which included that P is a relevant national or is (or was) a family member of a person who is (or was) a relevant national,

(c) each of the requirements on the basis of which P's leave was granted was in fact met,

(d) either—

(i) in a case where P's leave was not granted on the basis that P is (or was) a joining family member of a relevant sponsor, P was resident in the United Kingdom or the Islands immediately before the end of the implementation period, or

(ii) in a case where P's leave was granted on the basis that P is (or was) a joining family member of a relevant sponsor, the relevant sponsor was resident in the United Kingdom or the Islands immediately before the end of the implementation period, and

(e) the residency mentioned in paragraph (d) was not relevant residency.

(3) For the purposes of subsection (2)—

(a) a person is to be treated as a family member of another person if they are treated as the family member of that person by residence scheme immigration rules;

(b) "joining family member" and "relevant sponsor" have the same meaning as in residence scheme immigration rules;

(c) a person is to be treated as resident in the United Kingdom or the Islands immediately before the end of the implementation period even if they were temporarily absent from the United Kingdom or the Islands at that time if their absence was permitted for the purposes of establishing or maintaining eligibility for leave under residence scheme immigration rules;

(d) "relevant national" means a national of Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland.

(4) In this section "relevant residency" means—

(a) residency in accordance with Union law (within the meaning of the withdrawal agreement),

(b) residency in accordance with the EEA Agreement (within the meaning of the EEA EFTA separation agreement), or

(c) residency in accordance with the FMOPA (within the meaning of the Swiss citizens' rights agreement).

(5) Relevant citizens' rights—

(a) are capable of accruing and applying to a person to whom this subsection applies notwithstanding that the residency mentioned in subsection (2)(d) was not relevant residency, and

(b) are to be enforced, allowed and followed accordingly.

(6) Every enactment (including an enactment contained in this Act) is to be read and has effect subject to subsection (5).

(7) In this section—

"EEA EFTA separation agreement" has the same meaning as in the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) of that Act);

"enactment" has the same meaning as in the European Union (Withdrawal) Act 2018 (see section 20(1) of that Act);

"the implementation period" has the same meaning as in the European Union (Withdrawal) Act 2018 (see section 1A(6) of that Act);

"the Islands" means the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man;

"residence scheme immigration rules" has the same meaning as in Part 3 of the European Union (Withdrawal Agreement) Act 2020 (see section 17 of that Act);

"Swiss citizens' rights agreement" has the same meaning as in the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) of that Act);

"withdrawal agreement" has the same meaning as in the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) and (6) of that Act).

Conditions on leave and bail

46 Conditions on limited leave to enter or remain and immigration bail

(1) The Immigration Act 1971 is amended in accordance with subsections (2) and (3).

(2) In section 3 (general provisions for regulation and control)—

(a) in subsection (1)(c)—

(i) omit the "and" at the end of sub-paragraph (iv), and

(ii) at the end of sub-paragraph (v) insert—

"(vi) an electronic monitoring condition (see Schedule 1A);

(vii) a condition requiring the person to be at a particular place between particular times, either on particular days or on any day;

(viii) a condition requiring the person to remain within a particular area;

(ix) a condition prohibiting the person from being in a particular area;

(x) such other conditions as the Secretary of State thinks fit.", and

(b) after subsection (1) insert—

"(1A) A condition under any of sub-paragraphs (vi) to (x) of subsection (1)(c) may be attached to limited leave to enter or remain in the United Kingdom given to a person only if the Secretary of State considers that—

(a) the person poses a threat to national security,

(b) the person poses a threat to the safety of the public, a section of the public, a particular individual or particular individuals,

(c) the person has committed an offence that is specified, or falls within a description specified, in Schedule 1 to the Serious Crime Act 2007 (serious offences),

(d) the person has committed—

(i) an offence that is specified in Part 2 of Schedule 18 to the Sentencing Code (specified sexual offences),

(ii) a sexual offence for the purposes of section 210A of the Criminal Procedure (Scotland) Act 1995 (extended sentences), or

(iii) an offence that is specified in Part 2 of Schedule 2 to the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)) (specified sexual offences), or

(e) the person—

(i) has committed, or is suspected of having committed, an offence outside the United Kingdom, and

(ii) the act constituting the offence would, if it had been done in any part of the United Kingdom, have constituted an offence within paragraph (c) or (d) (other than an offence within paragraph (xxviii) of the definition of "sexual offence" in section 210A(10) of the Criminal Procedure (Scotland) Act 2010).

(1B) For the purposes of subsection (1A)(e) an act punishable under the law in force in a country or territory outside the United Kingdom constitutes an offence under that law however it is described in that law."

(3) Before Schedule 2 insert—

"SCHEDULE 1A

Section 3(1)(c)(vi)

ELECTRONIC MONITORING CONDITIONS

1 For the purposes of section 3(1)(c)(vi), an "electronic monitoring condition" means a condition requiring the person on whom it is

imposed ("P") to co-operate with such arrangements as the Secretary of State may specify for detecting and recording by electronic means one or more of the following—

(a) P's location at specified times, during specified periods of time or while the arrangements are in place;

(b) P's presence in a location at specified times, during specified periods of time or while the arrangements are in place;

(c) P's absence from a location at specified times, during specified periods of time or while the arrangements are in place.

2 The arrangements may in particular—

(a) require P to wear a device;

(b) require P to make specified use of a device;

(c) require P to communicate in a specified manner and at specified times or during specified periods;

(d) involve the exercise of functions by persons other than the Secretary of State.

3 If the arrangements require P to wear, or make specified use of, a device they must—

(a) prohibit P from causing or permitting damage to, or interference with, the device, and

(b) prohibit P from taking or permitting action that would or might prevent the effective operation of the device.

4 An electronic monitoring condition may not be imposed on a person unless the person is at least 18 years old.

5 In this Schedule "specified" means specified in the arrangements."

(4) In Schedule 10 to the Immigration Act 2016 (immigration bail), in paragraph 2(1) (conditions of bail), after paragraph (e) insert—

"(ea) a condition requiring the person to be at a particular place between particular times, either on particular days or on any day;

(eb) a condition requiring the person to remain within a particular area;

(ec) a condition prohibiting the person from being in a particular area;".

Powers to take biometric information

47 Powers to take biometric information

(1) Section 141 of the Immigration and Asylum Act 1999 (fingerprinting) is amended in accordance with subsections (2) to (5).

(2) In subsection (5)—

(a) omit the "or" at the end of paragraph (d), and
(b) after paragraph (e) insert—

"(f) a person who is employed by a contractor in connection with the discharge of the contractor's duties under a short-term holding facility contract; or
(g) a person of a description specified in regulations made by the Secretary of State."

(3) After subsection (6) insert—

"(6A) In this section—
(a) "short-term holding facility" has the same meaning as in Part 8,
(b) "short-term holding facility contract" means a contract entered into by the Secretary of State under section 149 as extended to short-term holding facilities by regulations under section 157(1), and
(c) "contractor", in relation to a short-term holding facility which is being run in accordance with a short-term holding facility contract, means the person who has contracted to run it."

(4) In subsection (12)—
(a) in paragraph (b), for "or (e)" substitute ", (e) or (f)", and
(b) after paragraph (d) insert—

"(e) if the authorised person is specified in regulations made by the Secretary of State under subsection (5)(g), by a person, or a person of a description, specified in such regulations."

(5) Omit subsection (17).

(6) In section 144(1) of the Immigration and Asylum Act 1999 (power to make provision equivalent to sections 141 and 142 in relation to other biometric information), after "142" insert ", or to provision made under section 141,".

Employment

48 Extension of prohibition on employment to other working arrangements

(1) The Immigration, Asylum and Nationality Act 2006 is amended as follows.

(2) In the italic heading before section 15, after "Employment" insert "and other working arrangements".

(3) Before section 15, after the italic heading insert—

"14A Application of sections 15 to 24 to other working arrangements

(1) In sections 15 to 24, a reference to a person employing another person includes a reference to—

(a) a person ("person A") engaging an individual ("individual A") under a worker's contract,

(b) a person ("person B") engaging an individual sub-contractor ("individual B"), and

(c) an online matching service ("person C") providing the details of an individual who is a service provider ("individual C") to potential clients or customers.

(2) Accordingly—

(a) references in sections 15 to 24 to employment include engagement of the kind mentioned in paragraph (a) or (b) of subsection (1) or the provision of details as mentioned in paragraph (c) of that subsection;

(b) references in those sections to an employer include person A, person B or person C;

(c) references in those sections to an employee include individual A, individual B or individual C.

(3) In this section—

"worker's contract" means a contract, other than a contract of service or apprenticeship, under which—

(a) individual A undertakes to do or perform personally work or services for person A or another person (whether or not that other person is specified in the contract), and

(b) person A is neither a client nor customer of any profession or business undertaking carried on by individual A;

"individual sub-contractor" means an individual ("individual B") who has entered into a contract with person B to provide work or services in circumstances where person B has entered into a contract with a third party to provide, or arrange for the provision of, the work or services but individual B has not;

"online matching service" means a person who, in the course of a business—

(a) keeps a register of service providers for the purpose of matching them with potential clients or customers,

(b) provides an online service by which potential clients or customers can submit enquiries for the purpose of being matched with suitable service providers, and

(c) charges a fee or commission in return for making such matches;

"service provider" means a person providing, or seeking to provide, work or services for remuneration.

(4) Subsection (1)(a), and subsection (2) so far as it has effect in consequence of subsection (1)(a), do not apply if and to the extent that—

(a) under the worker's contract, individual A undertakes to do or perform personally work or services for a person other than person A (whether or not that other person is specified in the contract), and

(b) the status of a person for whom individual A does or performs work or services under the contract is that of a client or customer of a profession or business undertaking carried on by individual A.

(5) In this section a reference to a contract includes a contract that is express or implied and (if it is express) whether oral or in writing.

(6) This section is subject to subsection (2) of section 15A (which provides for subsection (1)(a) of that section not to apply in relation to an online matching service)."

(4) After section 15 insert—

"15A Extension of liability under section 15

(1) Subsection (4) applies where a person ("A")—

(a) employs an individual to provide work or services, or

(b) is contracted to provide, or arrange for the provision of, work or services and enters into a contract under which another person is to provide, or arrange for the provision of, the work or services (or part of the work or services).

(2) The reference in subsection (1)(a) to A employing an individual does not include A doing so as mentioned in section 14A(1)(c) (online matching services).

(3) Subsection (4) also applies where—

(a) a person ("A") is an online matching service who provides the details of another person who is a service provider to potential clients or customers, and

(b) as a result of being matched by person A, the service provider enters into a contract with a client or customer for the provision of work or services.

(4) For the purposes of section 15, and where this would not otherwise be the case, A is to be treated as employing any individual ("B") who personally provides the work or services (or any part of the work or services), including where—

(a) A is not in a contractual relationship with B, or

(b) A does not know that B is providing the work or services (or part of the work or services).

(5) Subsection (4) applies where A is contracted to provide, or arrange for the provision of, the work or services regardless of whether that contract is the first or any other contract in a chain of contracts to

provide, or arrange for the provision of, the work or services (or part of the work or services).

(6) This section does not affect the liability of any other employer under section 15.

(7) In sections 15, 16, 17, 23 and 24 a reference to a person employing another person includes a reference to a person who is treated as doing so by virtue of subsection (4); and references in those sections to employment, employers and employees are to be construed accordingly.

(8) In this section "online matching service" and "service provider" have the same meaning as in section 14A."

(5) In section 25—

(a) in paragraph (b), at the beginning insert "subject to sections 14A and 15A,",

(b) in paragraph (b), omit from "whether" to the end of the paragraph, and

(c) after that paragraph insert—

"(ba) a reference to a contract includes a contract that is express or implied and (if it is express) whether oral or in writing,".

Appeals

49 Timeframe for determination of appeal brought by appellant receiving accommodation support

After section 86 of the Nationality, Immigration and Asylum Act 2002 insert—

"86A Timeframe for determination of appeal under section 82(1)(a) where appellant is receiving accommodation support

(1) This section applies on an appeal under section 82(1)(a) brought by a person to whom, at the time the appeal is instituted, accommodation is being provided under section 95 or 98 of the Immigration and Asylum Act 1999.

(2) The Tribunal must, except where the Tribunal considers that it is not reasonably practicable to do so, determine the appeal and give notice of its determination to the parties before the end of the period of 24 weeks beginning with the day after that on which the appeal is instituted.

(3) But subsection (2) does not apply or, as the case may be, ceases to apply, if the appeal must be brought, or must be continued, from outside the United Kingdom."

50 Timeframe for determination of certain appeals brought by non-detained appellants liable to deportation

(1) After section 86A of the Nationality, Immigration and Asylum Act 2002 (as inserted by section 49) insert—

"86B Timeframe for determination of appeal brought by certain non-detained appellants liable to deportation

(1) This section applies on an appeal under section 82(1) where the appeal is brought by a person falling within subsection (2).

(2) A person falls within this subsection if, at the time the appeal mentioned in subsection (1) is instituted, the person—

(a) is not detained (whether under any provision of the Immigration Acts or otherwise),

(b) has been convicted of an offence (whether in or outside the United Kingdom), and

(c) is liable to deportation under section 3(5)(a) of the Immigration Act 1971 (Secretary of State deeming deportation conducive to public good).

(3) The Tribunal must, except where the Tribunal considers that it is not reasonably practicable to do so, determine the appeal and give notice of its determination to the parties before the end of the period of 24 weeks beginning with the day after that on which the appeal is instituted.

(4) But subsection (3) does not apply or, as the case may be, ceases to apply, if the appeal must be brought, or must be continued, from outside the United Kingdom."

(2) In Schedule 2 to the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020 (S.I. 2020/61) (application of the 2002 Act to appeals to the Tribunal)—

(a) in paragraph 1, after paragraph (b) insert—

"(ba) section 86B;";

(b) in paragraph 3, after sub-paragraph (5) insert—

"(5A) Section 86B has effect as if for subsection (4) there were substituted—

"(4) But subsection (3) does not apply or, as the case may be, ceases to apply, if the appeal is brought, or is continued, from outside the United Kingdom.""

(3) In Schedule 2 to the Immigration (European Economic Area) Regulations 2016 (S.I. 2016/1052) (appeals to the First-tier Tribunal), as it continues to have effect following its revocation, after paragraph 1 insert—

"1A Section 86B of the 2002 Act (timeframe for determination of appeal brought by certain non-detained appellants liable to deportation)

applies in relation to an appeal under these Regulations to the First-tier Tribunal as it applies in relation to an appeal under section 82(1) of the 2002 Act but as if for subsection (4) there were substituted—

"(4) But subsection (3) does not apply or, as the case may be, ceases to apply, if the appeal is brought, or is continued, from outside the United Kingdom.""

Refugee Convention

51 Refugee Convention: particularly serious crime

(1) Section 72 of the Nationality, Immigration and Asylum Act 2002 (construction and application of Article 33(2) of Refugee Convention) is amended as follows.

(2) After subsection (5) insert—

"(5ZA) A person is to be presumed to have been convicted by a final judgment of a particularly serious crime if—

(a) the person is convicted in the United Kingdom of an offence listed in Schedule 3 to the Sexual Offences Act 2003, and

(b) the person is not, by virtue of the conviction, a person falling within subsection (2).

(5ZB) A person is to be presumed to have been convicted by a final judgment of a particularly serious crime if—

(a) the person is convicted outside the United Kingdom of an offence,

(b) the act constituting the offence would have constituted an offence listed in Schedule 3 to the Sexual Offences Act 2003 had it been done in any part of the United Kingdom, and

(c) the person is not, by virtue of the conviction, a person falling within subsection (3)."

(3) After subsection (5A) insert—

"(5B) A person presumed to have been convicted of a particularly serious crime by virtue of subsection (5ZA) or (5ZB) is to be presumed to constitute a danger to the community of the United Kingdom."

(4) In subsection (6), for "subsection (5A)" substitute "subsection (5ZA) or (5ZB) that a person has been convicted by a final judgment of a particularly serious crime or under subsection (5A) or (5B)".

(5) In subsection (7), for "(5A)" substitute "(5ZA), (5ZB), (5A) or (5B)".

(6) In subsection (8), after "(5A)" insert "or (5B)".

(7) In subsection (9)(b), for "(5A)" substitute "(5ZA), (5ZB), (5A) or (5B)".

(8) In subsection (10)(b), for "(5A)" substitute "(5ZA), (5ZB), (5A) or (5B)".

PART 3

PREVENTION OF SERIOUS CRIME

Offences relating to things for use in serious crime

52 Articles for use in serious crime

(1) A person commits an offence if the person possesses a relevant article in circumstances which give rise to a reasonable suspicion that the relevant article will be used in connection with any serious offence.

(2) A person commits an offence if the person imports, makes, adapts, supplies or offers to supply a relevant article in circumstances which give rise to a reasonable suspicion that the relevant article will be used in connection with any serious offence.

(3) It is a defence for a person charged with an offence under this section to show that the person did not intend or suspect that the relevant article would be used in connection with any serious offence.

(4) In proceedings for an offence under this section, if it is proved that a relevant article—

(a) was on any premises at the same time as the accused, or

(b) was on premises of which the accused was the occupier or which the accused habitually used otherwise than as a member of the public,

the court may assume that the accused possessed the relevant article, unless the accused shows that they did not know of its presence on the premises or that they had no control over it.

(5) Subsection (6) applies where—

(a) in accordance with subsection (3), it is a defence for a person charged with an offence to show a particular matter, or

(b) in accordance with subsection (4), a court may make an assumption in relation to a person charged with an offence unless the person shows a particular matter.

(6) A person is regarded as having shown the matter if—

(a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and

(b) the contrary is not proved beyond reasonable doubt.

(7) In this section—

"relevant article" has the meaning given by section 53;

"serious offence" means—

(a) in England and Wales, an offence specified or described in Part 1 of Schedule 1 to the Serious Crime Act 2007;

(b) in Scotland, an offence specified or described in Part 1A of that Schedule;

(c) in Northern Ireland, an offence specified or described in Part 2 of that Schedule.

(8) A person who commits an offence under this section is liable—

(a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);

(b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);

(c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both);

(d) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).

53 Section 52: meaning of "relevant article"

(1) In section 52 "relevant article" means any of the following—

(a) a 3D printer firearms template;

(b) an encapsulator;

(c) a tablet press;

(d) a vehicle concealment.

(2) In this section—

"3D printer firearms template" means any document that may be used in conjunction with a 3D printer to produce any part of a firearm (as defined by section 57 of the Firearms Act 1968 or, in Northern Ireland, Article 2(2) of the Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I. 3)));

"document" includes information recorded in any form;

"encapsulator" includes any device that may be used to produce capsules;

"tablet press" includes any device that may be used to produce tablets;

"vehicle" has the meaning given by section 1(1) of the Customs and Excise Management Act 1979;

"vehicle concealment" means a compartment that—

(a) forms or is intended to form part of a vehicle or is attached or intended to be attached to a vehicle, and

(b) conceals, or facilitates the concealment of, things or people or is intended to conceal or facilitate the concealment of things or people.

(3) The Secretary of State may by regulations amend this section (other than this subsection or subsection (4) or (5)).

(4) But regulations under subsection (3) that add an article to subsection (1) may be made only if the Secretary of State considers that there is a significant risk of such an article being used in connection with any serious offence.

"Serious offence" has the same meaning as in section 52.

(5) Before making regulations under subsection (3), the Secretary of State must consult—

(a) the Scottish Ministers, and

(b) the Department of Justice in Northern Ireland.

54 Confiscation of assets

(1) The Proceeds of Crime Act 2002 is amended as follows.

(2) In Schedule 2 (criminal lifestyle offences in England and Wales)—

(a) before paragraph 9A insert—

"Offences involving gangmasters";

(b) after paragraph 9A insert—

"Offences relating to things for use in serious crime

9B An offence under section 52 of the Border Security, Asylum and Immigration Act 2025 (articles for use in serious crime)."

(3) In Schedule 4 (criminal lifestyle offences in Scotland), after paragraph 9F insert—

"Offences relating to things for use in serious crime

9G An offence under section 52 of the Border Security, Asylum and Immigration Act 2025 (articles for use in serious crime)."

(4) In Schedule 5 (criminal lifestyle offences in Northern Ireland), after paragraph 9A insert—

"Offences relating to things for use in serious crime

9B An offence under section 52 of the Border Security, Asylum and Immigration Act 2025 (articles for use in serious crime)."

Serious crime prevention orders

55 Electronic monitoring requirements

(1) The Serious Crime Act 2007 is amended as follows.

(2) After section 5A insert—

"Electronic monitoring requirements

5B Electronic monitoring requirements

(1) A serious crime prevention order made by a court in England and Wales may require an individual (including a partner in a partnership)

to submit to electronic monitoring of their compliance with prohibitions, restrictions or other requirements imposed by the order.

(2) A requirement imposed under subsection (1) is referred to in this Part as an "electronic monitoring requirement".

(3) A serious crime prevention order that includes an electronic monitoring requirement must specify the person who is to be responsible for the monitoring.

(4) The person specified under subsection (3) ("the responsible person") must be of a description specified in regulations made by the Secretary of State.

(5) Where a serious crime prevention order imposes an electronic monitoring requirement on a person, the person must (among other things)—

(a) submit, as required from time to time by the responsible person, to—

(i) being fitted with, or the installation of, any necessary apparatus, and

(ii) the inspection or repair of any apparatus fitted or installed for the purpose of the monitoring;

(b) not interfere with, or with the working of, any apparatus fitted or installed for the purpose of the monitoring;

(c) take any steps required by the responsible person for the purpose of keeping in working order any apparatus fitted or installed for the purpose of the monitoring.

These obligations have effect as requirements of the order.

(6) A serious crime prevention order may not provide for an electronic monitoring requirement to have effect for more than 12 months (but this does not limit any power of a court to extend that period).

5C Conditions for imposing electronic monitoring requirements

(1) This section applies for the purpose of determining whether a court may impose an electronic monitoring requirement on a person ("P") under section 5B.

(2) The requirement may not be imposed in P's absence.

(3) If there is a person (other than P) without whose co-operation it would be impracticable to secure the monitoring in question, the requirement may not be imposed without that person's consent.

(4) A court may impose the requirement in relation to a relevant police area or areas only if—

(a) it has been notified by the Secretary of State that electronic monitoring arrangements are available in the area or areas, and

(b) it is satisfied that the necessary provision can be made under the arrangements currently available.

(5) For the purposes of subsection (4)—

"relevant police area" means—

(a) the police area in England or Wales in which it appears to the court that P resides or will reside, and

(b) in a case where it is proposed to include in the order—

(i) a requirement that P must remain, for specified periods, at a specified place, or

(ii) a provision prohibiting P from entering a specified place or area,

the police area in England or Wales in which the place or area proposed to be specified is situated;

"specified" means specified in the order.

5D Data from electronic monitoring: code of practice

(1) The Secretary of State must issue a code of practice relating to the processing of data gathered in the course of electronic monitoring of individuals under electronic monitoring requirements imposed by serious crime prevention orders.

(2) A failure to act in accordance with a code issued under this section does not of itself make a person liable to any criminal or civil proceedings."

(3) In section 17 (variation of orders), after subsection (8) insert—

"(9) But, in the case of an order made by a court in England and Wales, the High Court in England and Wales may not extend the period for which an electronic monitoring requirement has effect by more than 12 months at a time."

(4) In section 20 (powers of Crown Court to vary orders on conviction), after subsection (7) insert—

"(8) But, in the case of an order made by a court in England and Wales, the Crown Court in England and Wales may not extend the period for which an electronic monitoring requirement has effect by more than 12 months at a time."

(5) In section 21 (powers of Crown Court to vary or replace orders on breach), after subsection (7) insert—

"(7A) But, in the case of an order made by a court in England and Wales, the Crown Court in England and Wales may not extend the period for which an electronic monitoring requirement has effect by more than 12 months at a time."

(6) In section 89 (orders)—

(a) in the heading, after "Orders" insert "and regulations";
(b) in each of subsections (1) and (2), after "order" insert "or regulations".

56 Interim serious crime prevention orders

(1) The Serious Crime Act 2007 is amended as follows.

(2) After section 5D (inserted by section 55) insert—

"Interim serious crime prevention orders

5E Interim serious crime prevention orders

(1) This section applies where—
(a) an application to the High Court in England and Wales for a serious crime prevention order has not been determined, or
(b) an application to the appropriate court in Scotland or the High Court in Northern Ireland for a serious crime prevention order that is terrorism-related (see section 8A) has not been determined.

(2) The court may, if it considers it just to do so, make an interim serious crime prevention order in relation to the person.

(3) An interim serious crime prevention order may contain such prohibitions, restrictions or requirements, and such other terms, as the court considers appropriate to protect the public by preventing, restricting or disrupting involvement by the person in serious crime—
(a) in England and Wales, in the case of an order made by the High Court in England and Wales;
(b) in Scotland, in the case of an order made by the appropriate court in Scotland;
(c) in Northern Ireland, in the case of an order made by the High Court in Northern Ireland.

(4) Sections 5 to 5D apply in relation to an interim serious crime prevention order as they apply in relation to a serious crime prevention order.

(5) An interim serious crime prevention order in relation to a person may be made only where the application for the order is made at the same time as, or after, the main application is made.

(6) In this Part—
"interim serious crime prevention order" means an order under this section;
"main application", in relation to an interim serious crime prevention order, means the application mentioned in subsection (1).

(7) For the purposes of this Part references to the person who is the subject of an interim serious crime prevention order are references to the person against whom the public is to be protected.

5F Without notice applications

(1) An application for an interim serious crime prevention order, or for the variation of an interim serious crime prevention order, may be made without notice being given to the person against whom the order is to be made in circumstances where notice of the application is likely to prejudice the outcome sought by the applicant.

(2) Where the court makes an interim serious crime prevention order in relation to a person ("P") in a case where the application for the order was made without notice, the court must give P an opportunity to make representations about the order—

(a) as soon as reasonably practicable, and

(b) at a hearing of which notice has been given to P in accordance with rules of court.

(3) Where a person (whether P or another) makes an application for an interim serious crime prevention order made without notice to be varied or discharged, the court may not dismiss the application unless the person has been given an opportunity to make representations about the order at a hearing of which notice has been given to the person in accordance with rules of court."

(3) After section 8A insert—

"8AA Relevant applicant authority to apply for interim order

An interim serious crime prevention order may be made only on an application by the relevant applicant authority (see section 10) in relation to the main application."

(4) After section 10 insert—

"10A Notice requirements in relation to interim orders

(1) A person who is the subject of an interim serious crime prevention order ("P") is bound by it or a variation of it only if—

(a) P is represented (whether in person or otherwise) at the proceedings at which the order or (as the case may be) variation is made, or

(b) a notice setting out the terms of the order or (as the case may be) variation has been served on P in accordance with subsections (2) to (4).

(2) The notice must be served on P—

(a) as soon as reasonably practicable after the order or variation is made, and in any event no later than the end of the period

of 7 days beginning with the day on which the order or variation is made;

(b) by delivering it to P in person, unless the court provides otherwise under subsection (4).

(3) For the purposes of delivering such a notice to P in person, a constable or a person authorised for the purpose by the relevant applicant authority may (if necessary by force)—

(a) enter any premises where the constable or authorised person has reasonable grounds for believing P to be, and

(b) search those premises for P.

(4) Where it has not been possible to deliver the notice to P in person, the notice may be served on P using such other method of service as the court may allow."

(5) In section 16 (duration of orders), after subsection (4) insert—

"(4A) An interim serious crime prevention order ceases to be in force—

(a) on the date or dates specified in the order, or

(b) if earlier, on the determination of the main application."

(6) In section 25(1) (offence of failing to comply with order), after "order" insert "or an interim serious crime prevention order".

(7) Schedule 2 contains related amendments to the Serious Crime Act 2007.

57 Applicants for making of orders and interim orders

(1) The Serious Crime Act 2007 is amended as follows.

(2) For section 8 substitute—

"8 Limited class of applicants for making of orders

(1) A serious crime prevention order may be made by the High Court in England and Wales—

(a) only on an application by—

(i) the Director of Public Prosecutions,

(ii) the Director of the Serious Fraud Office,

(iii) the Director General of the National Crime Agency,

(iv) the Commissioners for His Majesty's Revenue and Customs,

(v) the chief officer of police of a police force in England and Wales,

(vi) the Chief Constable of the British Transport Police Force, or

(vii) the Chief Constable of the Ministry of Defence Police, and

(b) in the case of an application by a person listed in paragraph (a)(iii) to (vii), only if the person has consulted the Director of Public Prosecutions.

(2) A serious crime prevention order may be made by the Crown Court in England and Wales—

(a) only on an application by—

(i) the Director of Public Prosecutions,

(ii) the Director of the Serious Fraud Office, or

(iii) the chief officer of police of a police force in England and Wales, and

(b) in the case of an application by the chief officer of police of such a police force, only if—

(i) it is an application for an order under section 19 or 19A that is terrorism-related (see section 8A), and

(ii) the chief officer has consulted the Director of Public Prosecutions.

(3) A serious crime prevention order may be made by a court or sheriff in Scotland—

(a) only on an application by—

(i) the Lord Advocate, or

(ii) the chief constable of the Police Service of Scotland, and

(b) in the case of an application by the chief constable, only if—

(i) it is an application for an order under section 1 that is terrorism-related (see section 8A),

(ii) the chief constable has consulted the Lord Advocate, and

(iii) it is an application made to the Court of Session (and not to the sheriff).

(4) A serious crime prevention order may be made by a court in Northern Ireland—

(a) only on an application by—

(i) the Director of Public Prosecutions for Northern Ireland, or

(ii) the Chief Constable of the Police Service of Northern Ireland, and

(b) in the case of an application by the Chief Constable, only if—

(i) it is an application for an order under section 1 that is terrorism-related (see section 8A), and

(ii) the Chief Constable has consulted the Director of Public Prosecutions for Northern Ireland."

(3) In section 10(4)(a) (notice requirements: England and Wales)—

(a) omit sub-paragraphs (i) and (iii);

(b) after sub-paragraph (iv) insert—

"(v) in any other case, the person who applied for the order;".

(4) In section 27 (power to wind up companies: England and Wales)—

(a) for subsection (1A) substitute—

"(1A) A person mentioned in section 8(1)(a)(iii) to (vii) may present a petition to the court for the winding up of a company, partnership or relevant body if—

(a) the company, partnership or relevant body has been convicted of an offence under section 25 in relation to a serious crime prevention order or an interim serious crime prevention order made on an application by a person of the same description, and

(b) the person considers that it would be in the public interest for the company, partnership or (as the case may be) relevant body to be wound up.";

(b) in subsection (3), for the words from "the Director of Public Prosecutions" to the end substitute "a person who is authorised to present a petition in accordance with subsection (1) or (1A)";

(c) in subsection (12) omit the definition of "police-initiated serious crime prevention order".

(5) In Schedule 2 (functions of applicant authorities)—

(a) after paragraph 15 insert—

"Director General of the National Crime Agency

15ZA The functions of the Director General of the National Crime Agency under this Part are—

(a) to have the conduct of applications for serious crime prevention orders and interim serious crime prevention orders in England and Wales or for their variation or discharge,

(b) to appear on any application made under section 17 or 18 by another person for the variation or discharge of a serious crime prevention order or an interim serious crime prevention order in England and Wales,

(c) to have the conduct of, or (as the case may be) appear in, any other proceedings in connection with serious crime prevention orders or interim serious crime prevention orders (whether proceedings on appeal, by virtue of section 27 or otherwise),

(d) to give advice in connection with any proceedings or possible proceedings in connection with serious crime prevention orders or interim serious crime prevention orders, and

(e) to do anything for the purposes of, or in connection with, the functions in paragraphs (a) to (d).

Commissioners for His Majesty's Revenue and Customs

15ZB The functions of the Commissioners for His Majesty's Revenue and Customs under this Part are—

(a) to have the conduct of applications for serious crime prevention orders and interim serious crime prevention orders in England and Wales or for their variation or discharge,

(b) to appear on any application made under section 17 or 18 by another person for the variation or discharge of a serious crime prevention order or an interim serious crime prevention order in England and Wales,

(c) to have the conduct of, or (as the case may be) appear in, any other proceedings in connection with serious crime prevention orders or interim serious crime prevention orders (whether proceedings on appeal, by virtue of section 27 or otherwise),

(d) to give advice in connection with any proceedings or possible proceedings in connection with serious crime prevention orders or interim serious crime prevention orders, and

(e) to do anything for the purposes of, or in connection with, the functions in paragraphs (a) to (d).";

(b) in paragraph 15A—

(i) in paragraphs (a), (c) and (d) omit "that are terrorism-related";

(ii) in paragraph (b) omit "that is terrorism-related";

(c) after paragraph 15B insert—

"Chief Constable of British Transport Police Force

15BA The functions of the Chief Constable of the British Transport Police Force under this Part are—

(a) to have the conduct of applications for serious crime prevention orders and interim serious crime prevention orders in England and Wales or for their variation or discharge,

(b) to appear on any application made under section 17 or 18 by another person for the variation or discharge of a serious crime prevention order or an interim serious crime prevention order in England and Wales,

(c) to have the conduct of, or (as the case may be) appear in, any other proceedings in connection with serious crime prevention orders or interim serious crime prevention orders in England and Wales (whether

proceedings on appeal, by virtue of section 27 or otherwise),

(d) to give advice in connection with any proceedings or possible proceedings in connection with serious crime prevention orders or interim serious crime prevention orders in England and Wales, and

(e) to do anything for the purposes of, or in connection with, the functions in paragraphs (a) to (d).

15BB (1) The Chief Constable of the British Transport Police Force may, to such extent as they may decide, delegate the exercise of their functions under this Part to any member of the British Transport Police Force of at least the rank of superintendent.

(2) References in this Part to the Chief Constable of the British Transport Police Force are accordingly to be read, so far as necessary for the purposes of sub-paragraph (1), as references to the Chief Constable or any member of the British Transport Police Force of at least the rank of superintendent.

Chief Constable of the Ministry of Defence Police

15BC The functions of the Chief Constable of the Ministry of Defence Police under this Part are—

(a) to have the conduct of applications for serious crime prevention orders and interim serious crime prevention orders in England and Wales or for their variation or discharge,

(b) to appear on any application made under section 17 or 18 by another person for the variation or discharge of a serious crime prevention order or an interim serious crime prevention order in England and Wales,

(c) to have the conduct of, or (as the case may be) appear in, any other proceedings in connection with serious crime prevention orders or interim serious crime prevention orders in England and Wales (whether proceedings on appeal, by virtue of section 27 or otherwise),

(d) to give advice in connection with any proceedings or possible proceedings in connection with serious crime prevention orders or interim serious crime prevention orders in England and Wales, and

(e) to do anything for the purposes of, or in connection with, the functions in paragraphs (a) to (d).

15BD (1) The Chief Constable of the Ministry of Defence Police may, to such extent as they may decide, delegate the exercise of

their functions under this Part to any member of the Ministry of Defence Police of at least the rank of superintendent.

(2) References in this Part to the Chief Constable of the Ministry of Defence Police are accordingly to be read, so far as necessary for the purposes of sub-paragraph (1), as references to the Chief Constable or any member of the Ministry of Defence Police of at least the rank of superintendent."

58 Notification requirements

(1) The Serious Crime Act 2007 is amended as follows.

(2) After section 15 insert—

"Notification requirements: England and Wales

15A Notification requirements: England and Wales

(1) Schedule 1A contains provision about notifications to be given by a person who is subject to a serious crime prevention order in England and Wales (a "relevant order").

(2) A relevant order—

(a) must specify a person listed in section 8(1)(a) as the person to whom a notification under Schedule 1A is to be given;

(b) may make provision about how a notification under Schedule 1A is to be given (including provision requiring a person to give a notification in person or otherwise).

(3) In this Part references to a "specified person" are to a person specified under subsection (2)(a)."

(3) After Schedule 1 insert—

"SCHEDULE 1A Section 15A

RELEVANT ORDERS: NOTIFICATION REQUIREMENTS

Notification requirements for persons other than individuals

1 (1) Where a person other than an individual is subject to a relevant order that person ("P") must, within the period of three days beginning with the first day on which any provision of the order comes into force, notify the specified person of the name of an authorised individual.

(2) In this paragraph "authorised individual" means an individual who—

(a) is authorised by P to communicate with the specified person in relation to P's compliance with the order, and

(b) has consented to act in that capacity.

(3) P may, at any time after notifying the specified person of the name of an authorised individual under this paragraph, notify the specified person of the name of a replacement authorised individual.

(4) Where an individual whose name is notified by P under this paragraph ceases to be an authorised individual P must, within the period of 28 days beginning with the day on which the individual ceases to be an authorised individual, notify the specified person of the name of a replacement authorised individual.

Notification requirements for individuals

2 (1) An individual who is subject to a relevant order must, within the period of three days beginning with the first day on which any of the provisions of the order comes into force, notify the specified person of the notifiable information relating to the individual.

(2) If there is a change in any of the notifiable information relating to an individual who has given a notification under this paragraph the individual must, within the period of three days beginning with the day on which the change occurs, notify the specified person of the change.

(3) A requirement to notify information under sub-paragraph (1) or (2) does not apply to an individual by virtue of a relevant order whilst the individual is required to notify that information to that person by virtue of an earlier relevant order.

(4) If the earlier order ceases to be in force on a day on which the later order remains in force, the reference in sub-paragraph (1) to the first day on which any of the provisions of the order comes into force is to be read as a reference to that day.

(5) In this paragraph "the notifiable information" relating to an individual means—

(a) their name and, if they use one or more other names, each of those names;

(b) the address of their sole or main residence in the United Kingdom and the address of any other premises in the United Kingdom at which they regularly reside or stay;

(c) each of their telephone numbers and email addresses (if any);

(d) any name which they use to access a social media service or the function of which is to identify the user of such a service;

(e) any name—

(i) which they use to access a video game that is a user-to-user service or that is available as part of a user-to-user service, or

(ii) the function of which is to identify them as the user of such a game;

(f) identifying information relating to any motor vehicle of which they are the registered keeper, or which they have a right to use (whether routinely or on specific occasions or for specific purposes);

(g) specified financial information;

(h) specified information about identification documents;

(i) the name and address of each of their employers (if any);

(j) any information of a description specified in regulations made by the Secretary of State.

(6) For the purposes of sub-paragraph (5)—

(a) where the individual does not have a sole or main residence in the United Kingdom, paragraph (b) of that sub-paragraph is to be read as if it refers to the address or location of a place in the United Kingdom where they can regularly be found (and, if there is more than one such place, the address or location of each of those places);

(b) "social media service" means an online service that meets the following conditions—

(i) the main purpose, or one of the main purposes, of the service is to promote interaction between users (including interaction between users and user-generated content), and

(ii) making content generated by users available to other users is a significant feature of the service;

(c) "specified financial information" means the information specified in paragraph 1(1)(a) and (b) of Schedule 3A to the Counter-Terrorism Act 2008;

(d) "specified information about identification documents" means the information specified in paragraph 2(a) and (b) of that Schedule;

(e) "user-to-user service" has the meaning given by section 3 of the Online Safety Act 2023.

Offences

3 (1) A person commits an offence under the law of England and Wales if the person fails, without reasonable excuse, to comply with a requirement imposed by paragraph 1(1) or (4).

(2) A person guilty of an offence under sub-paragraph (1) is liable on summary conviction to a fine.

(3) A person commits an offence under the law of England and Wales if the person—

(a) fails, without reasonable excuse, to comply with a requirement imposed by paragraph 2;

(b) gives a notification, in purported compliance with such a requirement, of any information which the person knows to be false.

(4) A person guilty of an offence under sub-paragraph (3) is liable—

(a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine, or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine, or both."

(4) In section 10 (notice requirements in relation to orders), after subsection (1) insert—

"(1A) For the purposes of subsection (1)(b) and sections 30(1), 31(4) and 32(3), the requirements imposed on a person by Schedule 1A are to be treated as terms of the order."

(5) In each of the following sections, after "section 25" insert "or Schedule 1A"—

section 30(2);

section 31(5), (7) and (8);

section 32(4), (6) and (7).

(6) In section 43 (index of defined expressions), in the appropriate place insert the following—

"relevant order	section 15A(1)
specified person	section 15A(3)".

(7) In section 89 (orders), for subsection (3) substitute—

"(3) A statutory instrument containing an order or regulations under any of the following provisions may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament—

section 4(4);

section 49(6);

section 63(3);

section 69;

section 90;

paragraph 2(5)(j) of Schedule 1A;

paragraph 102 of Schedule 8."

59 Orders by Crown Court on acquittal or when allowing an appeal

(1) The Serious Crime Act 2007 is amended as follows.

(2) After section 19 insert—

"19A Orders by Crown Court on acquittal or when allowing an appeal

(1) The Crown Court in England and Wales may make an order under this section in relation to a person who is acquitted of an offence by or before the court, or where the court allows a person's appeal against a conviction for an offence, if—

(a) the court is satisfied that the person has been involved in serious crime (whether in England and Wales or elsewhere), and

(b) the court has reasonable grounds to believe that the order would protect the public by preventing, restricting or disrupting involvement by the person in serious crime in England and Wales.

(2) A court that makes an order by virtue of subsection (1) in the case of a person who is already the subject of a serious crime prevention order, or an interim serious crime prevention order, in England and Wales must discharge the existing order.

(3) An order under this section may contain—

(a) such prohibitions, restrictions or requirements, and

(b) such other terms,

as the court considers appropriate for the purpose of protecting the public by preventing, restricting or disrupting involvement by the person concerned in serious crime in England and Wales.

(4) The powers of the court in respect of an order under this section are subject to sections 6 to 15 (safeguards).

(5) An order under this section is also called a serious crime prevention order."

(3) In section 1(5), in the definition of "serious crime prevention order"—

(a) omit the "or" at the end of paragraph (b);

(b) after that paragraph insert—

"(ba) an order under section 19A (corresponding order of the Crown Court on acquittal or when allowing an appeal); or".

(4) In section 2(4), for "section 1(1)(a)" substitute "sections 1(1)(a) and 19A(1)(a)".

(5) In section 9(4), after "section 19," insert "19A,".

(6) In section 22(3)—

(a) after "section 19" insert "or 19A";

(b) after "offence" insert ", acquittal or determination of an appeal".

(7) In section 36(1), after "section 19," insert "19A,".

(8) In section 39(6), after "section 19(2), (4) and (5)," insert "19A(1),".

PART 4

MISCELLANEOUS AND GENERAL

Miscellaneous

60 Validation of fees charged in relation to qualifications

(1) A fee charged at any time before the day on which this Act is passed by a person to whom this section applies is taken to have been lawfully charged if condition A, B or C is met.

(2) Condition A is that the fee was charged in connection with services relating to the comparability, recognition or assessment for immigration or nationality purposes of a UK qualification or a non-UK qualification.

(3) Condition B is that the fee was charged in connection with services relating to the comparability, recognition or assessment of a non-UK qualification obtained by a person where—

(a) the person was employed or seeking employment with an early years provider within the meaning of Part 3 of the Childcare Act 2006, and

(b) the status of the person's non-UK qualification was relevant to the welfare requirements imposed on early years providers under section 39(1)(b) of that Act.

(4) Condition C is that the fee was charged in connection with—

(a) the provision of a service pursuant to an international agreement or arrangement requiring services to be provided relating to—

(i) the comparability, recognition or assessment of UK qualifications or non-UK qualifications, or

(ii) the provision of information or advice about such qualifications or the systems for awarding them, or

(b) any associated services provided by a person providing services mentioned in paragraph (a).

(5) This section applies to—

(a) the Secretary of State, and

(b) a person other than the Secretary of State who charged the fee pursuant to arrangements between that person and the Secretary of State.

(6) In this section—

"fee" includes charge;

"non-UK qualification" means a qualification issued by a body located outside the United Kingdom;

"UK qualification" means a qualification issued by a body located in the United Kingdom.

(7) This section binds the Crown.

General

61 Financial provisions

The following are to be paid out of money provided by Parliament—

(a) any expenditure incurred under or by virtue of this Act by a Minister of the Crown, by a person holding office under His Majesty or by a government department, and

(b) any increase attributable to this Act in the sums payable under or by virtue of any other Act out of money so provided.

62 Consequential and minor provision

(1) The Secretary of State may by regulations make provision that is consequential on this Act.

(2) Regulations under subsection (1) may, in particular, amend, repeal or revoke any enactment passed or made before, or in the same Session as, this Act.

(3) In subsection (2) "enactment" includes—

(a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;

(b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;

(c) an enactment contained in, or in an instrument made under, a Measure or Act of Senedd Cymru;

(d) an enactment contained in, or in an instrument made under, Northern Ireland legislation.

(4) In section 61(2) of the UK Borders Act 2007 (meaning of "the Immigration Acts"), after the "and" at the end of paragraph (n) insert—

"(p) the Border Security, Asylum and Immigration Act 2025, other than sections 30 to 36, Part 3 and section 60."

63 Regulations

(1) A power to make regulations under any provision of this Act includes power to make—

(a) consequential, supplementary, incidental, transitional or saving provision;

(b) different provision for different purposes or areas.

(2) Regulations under this Act are to be made by statutory instrument.

(3) A statutory instrument containing any of the following (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament—

(a) regulations under section 15(3);
(b) regulations under section 36(8);
(c) regulations under section 53(3);
(d) regulations under section 62(1) which amend, repeal or revoke primary legislation.

(4) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.

(5) This section does not apply to regulations under section 65.

(6) In this section "primary legislation" means—
(a) an Act of Parliament,
(b) an Act of the Scottish Parliament,
(c) a Measure or Act of Senedd Cymru, or
(d) Northern Ireland legislation.

64 Extent

(1) This Act extends to England and Wales, Scotland and Northern Ireland, subject to subsection (2).

(2) An amendment or repeal made by this Act has the same extent within the United Kingdom as the provision amended or repealed.

(3) The following provisions also extend to the Channel Islands and the Isle of Man and the British overseas territories—
(a) section 41(1)(a) so far as it repeals section 4(7) to (10) of the Illegal Migration Act 2023 as it extends to the Channel Islands and the Isle of Man and the British overseas territories by virtue of section 67(5) of that Act;
(b) section 41(1)(e) so far as it repeals sections 31 to 37 of that Act;
(c) section 42(2).

(4) His Majesty may by Order in Council provide for any of the provisions of this Act other than sections 1 to 12, 27, 30 to 36, 39 to 42 and 45 and Part 3 to extend, with or without modifications, to any of the Channel Islands or the Isle of Man.

(5) A power under any provision listed in subsection (6) may be exercised so as to extend (with or without modifications) to any of the Channel Islands or the Isle of Man any amendment or repeal made by or under this Act of any part of an Act to which the provision listed in subsection (6) relates.

(6) Those provisions are—
(a) section 36 of the Immigration Act 1971,
(b) section 170(7) of the Immigration and Asylum Act 1999,
(c) section 163(4) of the Nationality, Immigration and Asylum Act 2002,
(d) section 63(3) of the Immigration, Asylum and Nationality Act 2006,

(e) section 60(4) of the UK Borders Act 2007, and
(f) section 95(5) of the Immigration Act 2016.

65 Commencement

(1) Subject to subsections (3) and (4), this Act comes into force on such day as the Secretary of State may by regulations appoint.

(2) Different days may be appointed for different purposes or areas.

(3) The following provisions come into force on the day on which this Act is passed—
(a) sections 40 to 42;
(b) section 44(1) to (13) and (17);
(c) section 45;
(d) this Part;
(e) paragraphs 16 to 18 of Schedule 1 (and section 43 and paragraph 1 of that Schedule so far as relating to those paragraphs);
(f) any other provision of this Act (including provision modifying other legislation) so far as it confers power to make regulations or an order or is otherwise necessary for enabling the exercise of such a power on or after the day on which this Act is passed.

(4) Sections 37, 38 and 47 (except as brought into force by subsection (3)(f)) come into force at the end of the period of two months beginning with the day on which this Act is passed.

(5) The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Act.

(6) The power to make regulations under subsection (5) includes power to make different provision for different purposes or areas.

(7) Regulations under this section are to be made by statutory instrument.

66 Short title

This Act may be cited as the Border Security, Asylum and Immigration Act 2025.

SCHEDULES

SCHEDULE 1

Section 43

IMMIGRATION ADVISERS AND IMMIGRATION SERVICE PROVIDERS

Introductory

1 The Immigration and Asylum Act 1999 is amended as follows.

Power to amend definition of "relevant matters"

2 In section 82 (interpretation of Part 5), after subsection (3) insert—

"(4) The Secretary of State may by regulations amend the definition of "relevant matters" in subsection (1).

(5) Regulations under subsection (4) may make consequential amendments to this section."

3 (1) In section 166(5) (regulations subject to the affirmative procedure), after paragraph (c) insert—

"(cza) section 82(4),".

(2) If sub-paragraph (1) comes into force before the coming into force of paragraph 24(2) of Schedule 11 to the Immigration Act 2016, sub-paragraph (1) has effect as if after "procedure)," there were inserted "omit the "or" at the end of paragraph (c) and".

Suspension etc of registration

4 In section 84(3)(b) (effect of suspension of registration on person's registration), for "4B(5)" substitute "4C(1)".

5 (1) Section 87 (appeals to First-tier Tribunal) is amended as follows.

(2) After subsection (3A) insert—

"(3AA) Subsection (3A) does not apply in relation to a decision to cancel a person's registration under paragraph 4A(e) of Schedule 6 if condition A or B is met.

(3AB) Condition A is that the Commissioner notifies the person to whom the decision relates ("the relevant person") in writing that—

(a) the Commissioner considers that the relevant person is acting or has acted in a way which—

(i) creates a risk of serious harm to persons seeking immigration advice or immigration services, or

(ii) creates a risk of serious harm to the system of immigration control in the United Kingdom, and

(b) accordingly, the decision to cancel the relevant person's registration has effect from the time specified in the notice and while the period mentioned in subsection (3A) is running.

(3AC) Condition B is that the person's registration has been cancelled wholly or partly on the basis that the person has been convicted of—

(a) an offence involving dishonesty or deception, or

(b) an indictable offence."

(3) After subsection (3C) insert—

"(3D) Tribunal Procedure Rules may not permit a direction of the kind mentioned in subsection (3B) in relation to a decision to cancel a person's registration under paragraph 4A(e) of Schedule 6 where the person meets condition B in subsection (3AC)."

(4) In subsection (4), for the words from "paragraph 4B" to the end of the subsection substitute "paragraphs 4AA and 4B of Schedule 6 (appeals against suspension by the Commissioner)."

(5) After subsection (4) insert—

"(4A) For the purposes of this section, conduct creates a risk of serious harm to the system of immigration control in the United Kingdom if, in particular, it involves—

(a) abuse of a procedure operating in the United Kingdom in connection with immigration or asylum (including any appellate or other judicial procedure), or

(b) advice to any person to do something which would amount to such an abuse."

6 (1) Schedule 6 (registration) is amended as follows.

(2) Before paragraph 4B (but after the italic heading before that paragraph) insert—

"4AA (1) The Commissioner may, by notice in writing to a registered person, suspend the person's registration from the time specified in the notice if—

(a) the Commissioner has reason to suspect that the registered person is acting or has acted in a way which—

(i) creates a risk of serious harm to persons seeking immigration advice or immigration services, or

(ii) creates a risk of serious harm to the system of immigration control in the United Kingdom, and

(b) accordingly, the Commissioner considers it is necessary to suspend the person's registration.

(2) The Commissioner—

(a) may, by notice in writing to a person whose registration has been suspended under sub-paragraph (1), cancel the suspension of the person's registration, and

(b) must do so if the Commissioner is no longer satisfied that paragraph (a) or (b) of that sub-paragraph applies in relation to that person.

(3) If a person's registration has been suspended under sub-paragraph (1), the Commissioner must consider whether the suspension should be cancelled—

(a) before the end of the period of 7 working days beginning with the working day after the day on which the Commissioner issued the notice of the suspension, and

(b) before the end of each subsequent period of 7 working days.

(4) A person whose registration is suspended under sub-paragraph (1) may appeal to the First-tier Tribunal against the suspension.

(5) For the purposes of this paragraph, conduct creates a risk of serious harm to the system of immigration control in the United Kingdom if, in particular, it involves—

(a) abuse of a procedure operating in the United Kingdom in connection with immigration or asylum (including any appellate or other judicial procedure), or

(b) advice to any person to do something which would amount to such an abuse.

(6) In this paragraph "working day" means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom."

(3) In paragraph 4B—

(a) for sub-paragraph (1) substitute—

"(1) The Commissioner may, by notice in writing to a registered person, suspend the person's registration from the time specified in the notice if the person is charged with—

(a) an offence involving dishonesty or deception,

(b) an indictable offence, or

(c) an offence under section 25 or 26(1)(d) or (g) of the 1971 Act.

(1A) The Commissioner may, by notice in writing to a person whose registration has been suspended under sub-paragraph (1), cancel the suspension of the person's registration.

(1B) A person whose registration is suspended under sub-paragraph (1) may appeal to the First-tier Tribunal against the suspension.",

(b) in sub-paragraph (2), in the opening words, for "The suspension" substitute "Otherwise, the suspension under sub-paragraph (1)", and

(c) omit sub-paragraphs (5) to (7).

(4) After paragraph 4B insert—

"4C (1) A person whose registration is suspended under paragraph 4AA or 4B is not to be treated as a registered person for the purposes of section 84 (but is to be treated as a registered person for the purposes of the other provisions of this Part).

(2) Where a person's registration is suspended under paragraph 4AA or 4B the Commissioner must as soon as reasonably practicable record the suspension in the register.

(3) Where a suspension under paragraph 4AA or 4B ceases to have effect (and the person's registration is not cancelled) the Commissioner must as soon as reasonably practicable remove the record of suspension from the register."

Provision of immigration advice or immigration services under supervision

7 In section 84 (provision of immigration services), after subsection (3B) insert—

"(3C) A person's entitlement to provide immigration advice or immigration services by virtue of subsection (2)(e) is subject to section 84A and regulations under section 84B."

8 After section 84 insert—

"84A Limitations on acting under supervision: sanctions under this Part

(1) A person ("P") is not entitled to provide immigration advice or immigration services by virtue of section 84(2)(e) (persons acting under supervision) if—

(a) P is disqualified under paragraph 4 of Schedule 6 (conviction of certain immigration offences) for registration under paragraph 2 of that Schedule or continued registration under paragraph 3 of that Schedule,

(b) P's registration is suspended under paragraph 4AA of Schedule 6 (suspension on grounds of risk of serious harm), or

(c) P's registration is suspended under paragraph 4B of Schedule 6 (suspension of persons charged with particular offences).

(2) A person ("P") is not entitled to provide immigration advice or immigration services by virtue of section 84(2)(e) during the relevant period if—

(a) P's registration has been cancelled under paragraph 4A(e) of Schedule 6 (cancellation for lack of competence etc), and

(b) the cancellation took effect before the end of the period mentioned in subsection (3A) of section 87 because condition A in subsection (3AB) of that section (risk of serious harm) was met in relation to P.

(3) In subsection (2) "the relevant period" means the period of 12 months beginning with the time specified in the notice under section 87(3AB) as the time at which the decision to cancel P's registration had effect.

(4) Subsection (2) does not apply if—

(a) the Commissioner decides to register P or to continue P's registration, or

(b) the cancellation of P's registration is overturned on appeal (unless the cancellation is subsequently reinstated as a result of a further appeal).

(5) A person ("P") is not entitled to provide immigration advice or immigration services by virtue of section 84(2)(e) if—

(a) P's registration has been cancelled under paragraph 4A(e) of Schedule 6, and

(b) the cancellation took effect before the end of the period mentioned in subsection (3A) of section 87 because condition B in subsection (3AC) of that section (conviction of particular offences) was met in relation to P.

(6) Subsection (5) does not apply if—

(a) P's conviction of the offence mentioned in section 87(3AC) is quashed or set aside,

(b) the Commissioner decides to register P or to continue P's registration, or

(c) the cancellation of P's registration is overturned on appeal (unless the cancellation is subsequently reinstated as a result of a further appeal).

(7) A person ("P") other than a person to whom subsection (1), (2) or (5) applies is not entitled to provide immigration advice or immigration services by virtue of section 84(2)(e) if—

(a) subsection (8) applied to P when P entered into the arrangement for supervision, and

(b) P did not inform the person by whom P was to be supervised of that fact before entering into that arrangement.

(8) This subsection applies to P if—

(a) P is or has previously been subject to a direction by the First-tier Tribunal under section 89(2A)(a) (directions in connection with registration),

(b) P is or has previously been subject to a direction by the First-tier Tribunal under section 89(8)(a) (restrictions on provision of immigration advice or immigration services),

(c) P has previously been subject to a direction by the First-tier Tribunal under section 89(8)(b) (suspension from provision of immigration advice or immigration services),

(d) P is or has previously been subject to an order made by a disciplinary body under section 90(1)(a) (restrictions on provision of immigration advice or immigration services),

(e) P has previously been subject to an order made by a disciplinary body under section 90(1)(b) (suspension from provision of immigration advice or immigration services),

(f) P has at any time been given a penalty notice under section 92C (power to impose monetary penalties),

(g) P's registration has at any time been cancelled under paragraph 6(3)(a) of Schedule 5 (failure to assist with investigation),

(h) P's registration has at any time been cancelled under paragraph 10A(7) or (8) of Schedule 5 (failure to allow access to premises etc),

(i) P's registration has at any time been cancelled under paragraph 4A(d) or (e) of Schedule 6 (cancellation following direction by First-tier Tribunal or for lack of competence etc),

(j) P's registration has previously been suspended under paragraph 4AA of Schedule 6, or

(k) P's registration has previously been suspended under paragraph 4B of Schedule 6.

(9) Subsection (7) does not apply if, before the time mentioned in subsection (7)(a), the direction, order, penalty, cancellation or suspension referred to in subsection (8)—

(a) had been reversed, cancelled or quashed,

(b) had been overturned on appeal (and had not subsequently been reinstated as a result of a further appeal), or

(c) in the case of suspension under paragraph 4B of Schedule 6, had ceased to have effect by virtue of sub-paragraph (2) of that paragraph.

84B Limitations on acting under supervision: other sanctions

(1) The Secretary of State may by regulations provide that a person is not entitled to provide immigration advice or immigration services by virtue of section 84(2)(e) where—

(a) the person is subject to a professional sanction of a kind specified in the regulations, or

(b) in the circumstances specified in the regulations, the person is disqualified or suspended from practice as a member of a relevant profession.

(2) The Secretary of State may by regulations provide that a person ("P") is not entitled to provide immigration advice or immigration services by virtue of section 84(2)(e) where—

(a) when P entered into the arrangement for supervision—

(i) P was or had previously been subject to a professional sanction of a kind specified in the regulations, or

(ii) in the circumstances specified in the regulations, P was or had previously been disqualified or suspended from practice as a member of a relevant profession, and

(b) P did not inform the person by whom P was to be supervised of that fact before entering into the arrangement for supervision.

(3) In this section—

"professional sanction" means an order, direction or decision which is imposed, given or made by, or other action which is taken by—

(a) a designated professional body,

(b) a designated qualifying regulator,

(c) a relevant disciplinary body,

(d) an Inn of Court, or

(e) a judge, court or tribunal in the exercise of a function in relation to the provision of legal services;

"relevant disciplinary body" means a body established wholly or partly for the purpose of exercising disciplinary functions in relation to—

(a) members of a designated professional body, or

(b) persons regulated by a designated qualifying regulator;

"relevant profession" means a profession which is regulated by a designated professional body or a designated qualifying regulator."

Monetary penalties

9 After section 92B insert—

"92C Power to impose monetary penalties

(1) The Commissioner may give a relevant person a penalty notice if the Commissioner is satisfied on the balance of probabilities that the relevant person—

(a) has failed to comply with—

(i) the duty imposed on the person by paragraph 3(4) of Schedule 5 (duty to comply with Code of Standards) or paragraph 6(2) of that Schedule (duty to assist with investigation of complaint), or

(ii) any other requirement imposed on the person by or under this Part, or

(b) has, without reasonable excuse, obstructed the Commissioner in the exercise of the Commissioner's functions under paragraph 4A of Schedule 5 (power to carry out inspections).

(2) In this section "relevant person", in relation to the giving of a penalty notice, means a person who was a registered person at the time of the act or omission in relation to which the notice is given.

(3) A penalty notice is a notice requiring the person to whom it is given to pay to the Commissioner—

(a) an amount specified in regulations made by the Secretary of State (a "fixed penalty notice"), or

(b) an amount specified by the Commissioner in the notice (a "variable penalty notice").

(4) The Commissioner may give a person who is not a relevant person a penalty notice if the Commissioner is satisfied on the balance of probabilities that the person has failed to comply with the duty imposed on the person by paragraph 6(2) of Schedule 5.

(5) The Commissioner may give an unqualified person a penalty notice if the Commissioner is satisfied on the balance of probabilities that the person has committed an offence under section 91 or 92B.

(6) In subsection (5) "unqualified person", in relation to the giving of a penalty notice, means a person who was not a qualified person at the time of the act or omission in relation to which the notice is given.

(7) An amount specified in regulations under subsection (3)(a), and the amount specified in a variable penalty notice, must not exceed—

(a) in the case of a penalty imposed on a person under subsection (5) in relation to the commission of an offence under section 92B, the maximum amount of the fine that could be imposed on the person on summary conviction for the offence;

(b) in any other case, £15,000.

(8) The Secretary of State may by regulations amend the amount for the time being specified in subsection (7)(b).

(9) In this section and sections 92D to 92H—

"penalty notice" means a notice under this section;

"fixed penalty notice" and "variable penalty notice" have the meanings given by subsection (3).

92D Procedure for imposing penalties

(1) Before giving a penalty notice to a person the Commissioner must notify the person of the Commissioner's intention to do so.

(2) The notice under subsection (1) must—

(a) specify the proposed amount of the penalty,

(b) specify the Commissioner's reasons for proposing to impose the penalty,

(c) specify the period during which the person may make representations about the proposal ("the specified period"), and

(d) specify the way in which those representations may be made.

(3) The specified period must not be less than 28 days beginning with the date on which the notice under subsection (1) is given.

(4) The Commissioner must have regard to any representations made by a person during the specified period in deciding—

(a) whether to give a penalty notice to the person, and

(b) if the Commissioner decides to give a variable penalty notice to the person, the amount of the penalty specified in the notice.

(5) Where the Commissioner gives a penalty notice to a person, the notice must specify—

(a) the amount of the penalty, and

(b) the period within which the penalty must be paid ("the payment period").

(6) The penalty notice must also contain information as to—

(a) the grounds for the penalty,

(b) how payment may be made,

(c) the details of any early payment discount or late payment penalty included by virtue of subsection (7),

(d) the consequences of non-payment,

(e) rights of appeal, and

(f) the period within which an appeal may be made.

(7) The penalty notice may include provision for the amount payable under the notice—

(a) to reduce in the event of early payment;

(b) to increase in the event of payment after the end of the payment period.

92E Appeals against penalties

(1) A person to whom a penalty notice has been given may appeal to the First-tier Tribunal against—

(a) the decision to give the person a penalty notice;

(b) where the notice given is a variable penalty notice, the amount of the penalty specified in the notice.

(2) On an appeal under this section, the Tribunal may—

(a) cancel the penalty,

(b) confirm the requirement to pay the penalty, or

(c) in the case of an appeal under subsection (1)(b), amend the amount of the penalty.

(3) The requirement to pay the penalty under the notice is suspended at any time when—

(a) an appeal under this section could be brought by the person in respect of the penalty, or

(b) such an appeal is pending.

(4) But subsection (3)(a) does not prevent the requirement to pay taking effect if the person notifies the Commissioner that the person does not intend to appeal.

(5) No further amount is payable as a result of provision included in the penalty notice by virtue of section 92D(7)(b) in respect of the period during which the requirement to pay is suspended.

(6) For the purposes of subsection (3)(b) an appeal is pending during the period—

(a) starting when the appeal is brought, and

(b) ending when the appeal is finally determined, abandoned or withdrawn.

92F Enforcement of penalty notices

(1) This section applies if a person who is liable to pay an amount to the Commissioner under a penalty notice has not paid the whole or any part of that amount when it is required to be paid.

(2) In England and Wales the Commissioner may recover the unpaid amount on the order of the county court as if it were payable under an order of that court.

(3) In Scotland payment of the unpaid amount may be enforced in the same manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.

(4) In Northern Ireland the Commissioner may recover the unpaid amount on the order of a county court as if it were payable under an order of that court.

92G Guidance about penalties

(1) The Commissioner must prepare and publish guidance about the Commissioner's use of the power to give a penalty notice.

(2) The guidance must, in particular, include information as to—

(a) the circumstances in which the Commissioner is likely to give—

(i) a fixed penalty notice, or

(ii) a variable penalty notice, and

(b) in the case of a variable penalty notice, the matters to which the Commissioner has regard in determining the amount of the penalty.

(3) The Commissioner—

(a) must from time to time review the guidance, and

(b) may revise and republish the guidance following a review.

(4) Before preparing or revising guidance under this section, the Commissioner must consult such persons as the Commissioner considers appropriate.

92H Penalties imposed in relation to commission of offence: convictions

A person who is required to pay a penalty under a penalty notice given under section 92C(5) (penalty in respect of offence under section 91 or 92B) may not at any time be convicted of an offence under section 91 or, as the case may be, 92B in respect of the act or omission in relation to which the notice was given."

10 (1) In section 166(5) (regulations subject to the affirmative procedure), after paragraph (cza) (as inserted by paragraph 3) insert—

"(czb) section 92C(3)(a) or (8),".

(2) If sub-paragraph (1) comes into force before the coming into force of paragraph 24(2) of Schedule 11 to the Immigration Act 2016, paragraph 24(2) of that Schedule has effect on its coming into force as if for "for the "or" at the end of paragraph (c) substitute" there were substituted "after paragraph (czb) insert".

11 (1) Schedule 5 is amended as follows.

(2) In paragraph 6(3) (investigations under the complaints scheme), after paragraph (c) (and on a new line) insert—

"(See also section 92C (which confers a power to impose monetary penalties for breaching the duty imposed by paragraph 6(2)).)"

(3) In paragraph 9(1) (determination of complaints), after paragraph (f) (as inserted by paragraph 14(4)) (and on a new line) insert—

"(See also section 92C (which confers a power to impose monetary penalties for breaching the Code or otherwise failing to comply with requirements imposed by or under this Part).)"

Fees

12 After section 93 insert—

"93A Fees

(1) The Secretary of State may by order provide for fees to be charged by the Commissioner in respect of the exercise of the Commissioner's functions.

(2) The order may, in particular, make provision—

(a) for fees (including fees for the taking of examinations) to be charged in respect of the assessment of a person's competence to provide immigration advice or immigration services;

(b) for fees to be charged in respect of a person's registration or continued registration;

(c) for fees to be charged for making changes to a person's registration;

(d) for fees to be charged in respect of the provision by the Commissioner of training for persons providing or seeking to provide immigration advice or immigration services;

(e) for fees to be charged in respect of the provision by the Commissioner of, or of access to, training or other material for such persons;

(f) for fees to be charged in respect of the provision by the Commissioner of events for such persons;

(g) for fees to be charged in respect of the accreditation by the Commissioner of training or events for such persons;

(h) for fees to be charged in respect of the provision of advice by the Commissioner;

(i) for, and in connection with, requiring or authorising the Commissioner to waive all or part of a fee in particular cases.

(3) The order may result in the charging of a fee in respect of the exercise of a function in a particular case which exceeds the costs of exercising the function in that case.

(4) But in specifying the amount of a fee by virtue of subsection (3) the Secretary of State may have regard only to either or both of the following—

(a) the costs of exercising the function in question;

(b) the costs of exercising any other function of the Commissioner.

(5) References in subsection (4) to the costs of exercising a function are to the costs of doing so in a particular class of case or in all cases.

(6) In this section "registration" means registration with the Commissioner under section 85."

13 In Schedule 6, for paragraph 5 substitute—

"5 No application under paragraph 1 or 3 is to be entertained by the Commissioner unless it is accompanied by the fee specified for that application by order under section 93A (but this is subject to any waiver in accordance with provision by virtue of subsection (2)(i) of that section)."

The complaints scheme

14 (1) Schedule 5 is amended as follows.

(2) In paragraph 5(3), after paragraph (b) insert—

"(ba) the provision of immigration advice or immigration services by a person in contravention of section 84,".

(3) In paragraph 6—

(a) in sub-paragraph (2) for "is the subject of an investigation under the scheme" substitute "falls within sub-paragraph (2A)";

(b) after sub-paragraph (2) insert—

"(2A) A person ("P") falls within this sub-paragraph if—

(a) P is the subject of an investigation under the scheme, or

(b) in a case where the person who is the subject of an investigation under the scheme is a relevant body, P—

(i) was an officer, member or partner of the body when the body provided the immigration advice or immigration services to which the complaint relates, but

(ii) is no longer such an officer, member or partner.

(2B) In sub-paragraph (2A)—

(a) "relevant body" means a body which was a registered person at the time to which the complaint relates;

(b) "officer", in relation to a body corporate, means a director, manager, secretary or other similar officer of the body."

(4) In paragraph 9—

(a) in sub-paragraph (1), after paragraph (e) insert—

"(f) if the person to whom the complaint relates ("P") was not, at the time to which the complaint relates, a relevant authorised person, order P or a relevant body in relation to P—

(i) to refund all or any part of the fees charged by P or the relevant body for the immigration advice or immigration services to which the complaint relates;

(ii) to pay to the person to whom the advice or services were provided an amount specified in the order by way of compensation in respect of any loss, inconvenience or distress suffered by the person as a result of the provision of the advice or services.";

(b) after sub-paragraph (1B) insert—

"(1C) For the purposes of sub-paragraph (1)(f) and this sub-paragraph—

(a) a person is a "relevant authorised person" if—

(i) the person falls within section 84(2)(b), or

(ii) the person falls within section 84(2)(e) because the person acts on behalf of, and under the supervision of, a person falling within section 84(2)(b);

(b) a body is a "relevant body" in relation to P if P was acting as the employee, officer, member or partner of the body when providing the immigration advice or immigration services to which the complaint relates;

(c) "officer", in relation to a body corporate, means a director, manager, secretary or other similar officer of the body.

(1D) The total amount that may be ordered to be refunded or paid by virtue of sub-paragraph (1)(f) in respect of a complaint must not exceed £250,000.

(1E) The Secretary of State may by regulations amend the amount for the time being specified in sub-paragraph (1D).

(1F) An order under sub-paragraph (1)(f) may specify the time by which the refund or payment must be made."

(5) After paragraph 9 insert—

"Order on determination of complaint to refund fees or pay compensation: procedure, appeals and enforcement

9A The complaints scheme must include provision securing that, where the Commissioner proposes to make an order under paragraph 9(1)(f) against a person—

(a) the Commissioner must give the person a notice of what is proposed (a "notice of intent"),

(b) the person may, within the period specified in the notice of intent, make written representations and objections to the Commissioner in relation to the proposed order,

(c) the Commissioner must, at the end of the period for making representations and objections, consider any representations and objections made and—

(i) determine to make the proposed order,

(ii) determine not to make an order under paragraph 9(1)(f) against the person,

(iii) determine to make an order under paragraph 9(1)(f) against the person requiring the person to refund or pay an amount which is less than the amount mentioned in the notice of intent, or

(iv) provisionally determine to make an order under paragraph 9(1)(f) against the person requiring the person to refund or pay an amount which is greater than the amount mentioned in the notice of intent, and

(d) where the Commissioner makes a provisional determination as mentioned in paragraph (c)(iv), the person is given an opportunity to make written representations and objections in relation to the provisional determination which must be considered by the Commissioner before the order is made.

9B Where the Commissioner makes an order under paragraph 9(1)(f) against a person, the person may appeal to the First-tier Tribunal against the making of the order.

9C (1) This paragraph applies where—

(a) on determining a complaint under the complaints scheme, the Commissioner makes an order under paragraph 9(1)(f) for an amount to be refunded or paid to a person ("P"), and

(b) the appeal rights in relation to the order are exhausted.

(2) For the purposes of sub-paragraph (1)(b) the appeal rights in relation to an order are exhausted at a time when—

(a) it is no longer possible for an appeal against the order to be made under paragraph 9B (ignoring any possibility of an appeal out of time), and

(b) there is no appeal against the order which is pending.

(3) On the application of P or the Commissioner, a court may order that the amount to be refunded or paid under the order is recoverable as if it were payable under an order of that court.

(4) The Commissioner may make an application under sub-paragraph (3) only—

(a) in the circumstances specified in the complaints scheme, and

(b) with P's consent.

(5) If a court makes an order under sub-paragraph (3) on the application of the Commissioner, the Commissioner may, in the circumstances specified in the complaints scheme and with P's consent, recover the amount mentioned in that sub-paragraph on behalf of P.

(6) For the purposes of this paragraph—

(a) an appeal is pending during the period—

(i) starting when the appeal is brought, and

(ii) ending when the appeal is finally determined, abandoned or withdrawn;

(b) "court" means—

(i) in England and Wales, the High Court or the county court;

(ii) in Scotland, the Court of Session or the sheriff;

(iii) in Northern Ireland, the High Court or a county court."

15 (1) In section 166(5) (regulations subject to the affirmative procedure), at the end of paragraph (d) insert "or

(e) paragraph 9(1E) of Schedule 5,".

(2) If sub-paragraph (1) comes into force before the coming into force of paragraph 24(2) of Schedule 11 to the Immigration Act 2016, paragraph 24(2) of that Schedule has effect on its coming into force as if the "or" at the end of paragraph (ca) as inserted by paragraph 24(2) were omitted.

(3) If sub-paragraph (1) comes into force at the same time as or after the coming into force of paragraph 24(2) of Schedule 11 to the Immigration Act 2016, omit the "or" at the end of section 166(5)(ca) of the Immigration and Asylum Act 1999 (as inserted by paragraph 24(2) of that Schedule).

Appointment of Immigration Services Commissioner

16 In Schedule 5, in paragraph 12(1)(a) (period of office) for "of five years" substitute "not exceeding five years".

Appointment of Deputy Immigration Services Commissioner

17 In Schedule 5, in paragraph 16(1) (Deputy Commissioner) for "must" substitute "may".

Acting as Commissioner during vacancy etc

18 In Schedule 5, after paragraph 17 insert—

"Acting as Commissioner in event of vacancy etc

17A(1) Sub-paragraph (2) applies at any time when—

(a) there is a vacancy in the office of Commissioner or the Commissioner is unable to exercise the Commissioner's functions, and

(b) no person has been appointed as Deputy Commissioner under paragraph 16(1) or the Deputy Commissioner is unable to act in the Commissioner's place under paragraph 16(2).

(2) A member of the Commissioner's staff nominated by the Secretary of State for the purposes of this paragraph may act in the Commissioner's place."

SCHEDULE 2

Section 56

INTERIM SERIOUS CRIME PREVENTION ORDERS: CONSEQUENTIAL AMENDMENTS

Serious Crime Act 2007

1 The Serious Crime Act 2007 is amended as follows.

2 In section 6 (individual must be 18 or over), after "order" insert "or an interim serious crime prevention order".

3 In section 7 (other exceptions), in subsections (1), (1A) and (2), after "serious crime prevention order" insert "or an interim serious crime prevention order".

4 (1) Section 9 (right of third parties to make representations) is amended as follows.

(2) In subsections (1) to (3), after "serious crime prevention order" insert "or an interim serious crime prevention order".

(3) In subsections (4) and (4A), after "serious crime prevention order" insert "or interim serious crime prevention order".

(4) In subsection (5), after "serious crime prevention order" insert "or an interim serious crime prevention order".

5 In section 11 (restrictions on oral answers), after "order" insert "or an interim serious crime prevention order".

6 In section 12 (restrictions for legal professional privilege), in subsections (1) and (4A), after "order" insert "or an interim serious crime prevention order".

7 In section 13 (restrictions on excluded material and banking information), in subsections (1) and (2), after "serious crime prevention order" insert "or an interim serious crime prevention order".

8 In section 14(1) (restrictions relating to other enactments), after "order" insert "or an interim serious crime prevention order".

9 In section 15(1) (restrictions on use of information obtained), after "order" insert "or an interim serious crime prevention order".

10 (1) Section 16 (duration of orders) is amended as follows.

(2) In subsection (1), after "order" insert "or an interim serious crime prevention order".

(3) In subsection (5)—

(a) for "an order", in the first place it occurs, substitute "a serious crime prevention order or an interim serious crime prevention order";

(b) after "provision of" insert "such".

11 (1) Section 17 (variation of orders) is amended as follows.

(2) In subsections (1) to (2), after "serious crime prevention order" insert "or an interim serious crime prevention order".

(3) In subsection (3), for "an order" substitute "a serious crime prevention order".

(4) After that subsection insert—

"(3A) An application for the variation of an interim serious crime prevention order under this section may be made by—

(a) the relevant applicant authority (but see subsection (7A)),

(b) the person who is the subject of the order, or

(c) subject as follows, any other person."

(5) In subsection (4), for "The" substitute "In the case of an application for the variation of a serious crime prevention order, the".

(6) In subsections (5) to (7), after "(3)(b)(ii)" insert "or (3A)(c)".

(7) In subsection (8)—

(a) after "(3)(a)" insert "or (3A)(a)";

(b) for "and (4)(b)" substitute ", (4)(b) and (4A)(b)".

(8) After subsection (9) (as inserted by section 55(3)) insert—

"(10) In this section "relevant applicant authority", in relation to an interim serious crime prevention order, means—

(a) where the order was applied for by the chief officer of police of a police force in England and Wales, the chief officer of police of any such police force;

(b) in any other case, the person who applied for the order."

12 (1) Section 18 (discharge of orders) is amended as follows.

(2) In subsection (1)(a), (aa) and (b), after "order" insert "or an interim serious crime prevention order".

(3) In subsection (2), for "an order" substitute "a serious crime prevention order".

(4) After that subsection insert—

"(2A) An application for the discharge of an interim serious crime prevention order may be made by—

(a) the relevant applicant authority (but see subsection (7)),

(b) the person who is the subject of the order, or

(c) subject as follows, any other person."

(5) In subsection (3), for "The" substitute "In the case of an application for the discharge of a serious crime prevention order, the".

(6) In subsection (4), after "(2)(b)(ii)" insert "or (2A)(c)".

13 (1) Section 20 (powers of Crown Court to vary orders on conviction) is amended as follows.

(2) In subsections (2)(a) and (4)(a), after "order" insert "or an interim serious crime prevention order".

(3) In subsection (7), for "and (4)(b)" substitute ", (4)(b) and (4A)(b)".

14 (1) Section 21 (powers of Crown Court to vary or replace orders on breach) is amended as follows.

(2) In subsections (1)(a) and (b) and (3), after "order" insert "or an interim serious crime prevention order".

(3) In subsection (7), for "and (4)(b)" substitute ", (4)(b) and (4A)(b)".

(4) For subsection (8) substitute—

"(8) In this section—

(a) a reference to replacing a serious crime prevention order is to making a new serious crime prevention order and discharging the existing one;

(b) a reference to replacing an interim serious crime prevention order is to making a new interim serious crime prevention order and discharging the existing one."

15 In section 22 (inter-relationship between different types of orders in England and Wales or Northern Ireland), in subsections (1), (2) and (4), after "serious crime prevention order" insert "or an interim serious crime prevention order".

16 (1) Section 22B (powers of High Court of Justiciary and sheriff to vary orders on conviction) is amended as follows.

(2) In subsection (2)(a), after "order" insert "or an interim serious crime prevention order".

(3) In subsection (5), for "and (4)(b)" substitute ", (4)(b) and (4A)(b)".

17 (1) Section 22C (powers of High Court of Justiciary and sheriff to vary or replace orders on breach) is amended as follows.

(2) In subsection (1)(a)(i) and (ii) and (b), after "order" insert "or an interim serious crime prevention order".

(3) In subsection (5), for "and (4)(b)" substitute ", (4)(b) and (4A)(b)".

(4) For subsection (6) substitute—

"(6) In this section—

(a) a reference to replacing a serious crime prevention order is to making a new serious crime prevention order and discharging the existing one;

(b) a reference to replacing an interim serious crime prevention order is to making a new interim serious crime prevention order and discharging the existing one."

18 (1) Section 22D (inter-relationship between different types of orders in Scotland) is amended as follows.

(2) After subsection (1) insert—

"(1A) An interim serious crime prevention order made by the appropriate court under section 5E or varied under section 17(1A) may be varied under section 22B(2) or 22C(2)."

(3) In subsection (2), for the words from "made" to "section 17(1A)" substitute "or an interim serious crime prevention order".

(4) For subsection (4) substitute—

"(4) A decision by the High Court of Justiciary or (as the case may be) the sheriff not to vary a serious crime prevention order or an interim serious crime prevention order under section 22B(2) or 22C(2) does not prevent a subsequent application under section 17(1A) for a variation of the order in consequence of the same offence."

19 (1) Section 22E (extension of orders pending outcome of criminal proceedings) is amended as follows.

(2) In subsection (1)—

(a) in the words before paragraph (a), after "order" insert "or an interim serious crime prevention order";

(b) in paragraph (b), after "order" insert "or interim serious crime prevention order".

(3) In subsection (2), in each place it occurs, after "order" insert "or an interim serious crime prevention order".

(4) In subsection (3) omit "serious crime prevention".

(5) In subsection (4)—

(a) in paragraph (a)(ii), after "22C," insert "or a new interim serious crime prevention order is made under section 21 or 22C,";

(b) in paragraph (d), after "serious crime prevention order" insert "or an interim serious crime prevention order";

(c) in paragraph (e), after "order" insert "or an interim serious crime prevention order".

(6) In subsection (5)—

(a) after "section" insert "in relation to a serious crime prevention order";

(b) in paragraph (a), omit "serious crime prevention".

(7) In subsection (6), in each place it occurs, after "serious crime prevention order" insert "or an interim serious crime prevention order".

(8) After that subsection insert—

"(7) An order may be made under this section in relation to an interim serious crime prevention order only if—

(a) the order is still in force, and

(b) the court or sheriff considers it just to do so."

20 (1) Section 23 (additional right of appeal from High Court) is amended as follows.

(2) After subsection (1) insert—

"(1A) An appeal may be made to the Court of Appeal in relation to a decision of the High Court—

(a) to make an interim serious crime prevention order,

(b) to vary, or not to vary, such an order, or

(c) to discharge or not to discharge such an order.

(1B) An appeal under subsection (1A) may be made by any person on whom the court considers the decision has had, or is likely to have, a significant adverse effect."

(3) In subsection (2)—

(a) for "Subsection (1) is" substitute "Subsections (1) to (1B) are";

(b) after "serious crime prevention orders" insert "or interim serious crime prevention orders".

21 In section 24 (appeals from Crown Court), in subsections (1), (2) and (11), after "serious crime prevention order" insert "or an interim serious crime prevention order".

22 (1) Section 24A (additional right of appeal from Court of Session) is amended as follows.

(2) After subsection (1) insert—

"(1A) An appeal may be made to the Inner House of the Court of Session in relation to a decision of the Outer House of the Court of Session—

(a) to make an interim serious crime prevention order,

(b) to vary, or not to vary, such an order, or

(c) to discharge or not to discharge such an order.

(1B) An appeal under subsection (1A) may be made by any person on whom the court considers the decision has had, or is likely to have, a significant adverse effect."

(3) In subsection (2)—

(a) for "Subsection (1) is" substitute "Subsections (1) to (1B) are";

(b) after "serious crime prevention orders" insert "or interim serious crime prevention orders".

23 In section 27 (powers to wind up companies etc: England and Wales), in subsections (1)(a), (4)(a) and (7)(a), after "order" insert "or an interim serious crime prevention order".

24 In section 27A (powers to wind up companies etc: Scotland), in subsections (1)(a), (1A)(a), (4)(a), (5)(a) and (8)(a), after "order" insert "or an interim serious crime prevention order".

25 In section 28 (powers to wind up companies etc: Northern Ireland), in subsections (1)(a), (1A)(a), (4)(a) and (7)(a), after "order" insert "or an interim serious crime prevention order".

26 (1) Section 30 (notices to bodies corporate including limited liability partnerships) is amended as follows.

(2) In subsection (1)—

(a) in the words before paragraph (a)—

(i) after "section 10" insert "or 10A";

(ii) after "serious crime prevention order" insert "or an interim serious crime prevention order";

(b) in paragraph (b), for "subsection (3) of that section" substitute "section 10(3) or 10A(3)".

(3) In subsection (3), after "order" insert "or an interim serious crime prevention order".

27 (1) Section 31 (other partnerships) is amended as follows.

(2) In subsection (1), after "order" insert "or an interim serious crime prevention order".

(3) In subsection (4)—

(a) in the words before paragraph (a)—

(i) after "section 10" insert "or 10A";

(ii) after "serious crime prevention order" insert "or an interim serious crime prevention order";

(b) in paragraph (b), for "subsection (3) of that section" substitute "section 10(3) or 10A(3)".

(4) In subsection (10), after "order" insert "or an interim serious crime prevention order".

28 (1) Section 32 (unincorporated associations) is amended as follows.

(2) In subsection (1), after "order" insert "or an interim serious crime prevention order".

(3) In subsection (3)—

(a) in the words before paragraph (a)—

(i) after "section 10" insert "or 10A";

(ii) after "serious crime prevention order" insert "or an interim serious crime prevention order";

(b) in paragraph (b), for "subsection (3) of that section" substitute "section 10(3) or 10A(3)".

(4) In subsection (9), after "order" insert "or an interim serious crime prevention order".

29 In section 34 (providers of information society services), in subsections (1), (5) and (6), after "order" insert "or an interim serious crime prevention order".

30 In section 35(1) (proceedings in the High Court), after "orders" insert "or interim serious crime prevention orders".

31 In section 36 (proceedings in the Crown Court), in subsections (3)(b) and (6), after "serious crime prevention order" insert "or an interim serious crime prevention order".

32 (1) Section 36A (proceedings in the High Court of Justiciary and sheriff court) is amended as follows.

(2) In subsection (3)(b), after "order" insert "or an interim serious crime prevention order".

(3) In subsection (6)—

(a) after "order", in the first place it occurs, insert "or an interim serious crime prevention order";

(b) after "order", in the second place it occurs, insert "or a new interim serious crime prevention order".

33 (1) Section 38 (disclosure of information in accordance with orders) is amended as follows.

(2) In subsection (1), after "order" insert "or an interim serious crime prevention order".

(3) In subsection (2), after "orders" insert "or interim serious crime prevention orders".

34 (1) Section 39 (compliance with orders: authorised monitors) is amended as follows.

(2) In subsections (1), (3), (4), (6), (7) and (8), after "serious crime prevention order" insert "or an interim serious crime prevention order".

(3) In subsection (10), in the definitions of "monitoring services" and "specified", after "serious crime prevention order" insert "or an interim serious crime prevention order".

35 In section 40(9) (costs in relation to authorised monitors), in paragraphs (a), (aa) and (b), after "orders" insert "or interim serious crime prevention orders".

36 In section 41 (powers of law enforcement officers to retain documents), in subsections (1)(a) and (2), after "order" insert "or an interim serious crime prevention order".

37 In section 43 (index of defined expressions), at the appropriate place insert—

"interim serious crime prevention order section 5E".

38 (1) Schedule 2 (functions of applicant authorities) is amended as follows.

(2) In paragraph 1—

(a) in paragraph (a), after "orders" insert "and interim serious crime prevention orders";

(b) in paragraph (b), after "order" insert "or an interim serious crime prevention order";

(c) in paragraphs (c) and (d), after "orders" insert "or interim serious crime prevention orders".

(3) In paragraph 4(1)(a), after "serious crime prevention order" insert "or an interim serious crime prevention order".

(4) In paragraph 5, after "orders" insert ", and interim serious crime prevention orders,".

(5) In paragraph 12—

(a) in paragraph (a), after "orders" insert "and interim serious crime prevention orders";

(b) in paragraph (b), after "order" insert "or an interim serious crime prevention order";

(c) in paragraphs (c) and (d), after "orders" insert "or interim serious crime prevention orders".

(6) In paragraph 15, after "orders" insert ", and interim serious crime prevention orders,".

(7) In paragraph 15A—

(a) in paragraph (a), after "orders" insert "and interim serious crime prevention orders";

(b) in paragraph (b), after "order" insert "or an interim serious crime prevention order";

(c) in paragraphs (c) and (d), after "orders" insert "or interim serious crime prevention orders".

(8) In paragraph 15C—

(a) in paragraph (a), after "orders" insert "and interim serious crime prevention orders";

(b) in paragraph (b), after "order" insert "or an interim serious crime prevention order";

(c) in paragraphs (c) and (d), after "orders" insert "or interim serious crime prevention orders".

(9) In paragraph 16—

(a) in paragraph (a), after "orders" insert "and interim serious crime prevention orders";
(b) in paragraph (b), after "order" insert "or an interim serious crime prevention order";
(c) in paragraphs (c) and (d), after "orders" insert "or serious crime prevention orders".

(10) In paragraph 18(1)(a), after "order" insert "or an interim serious crime prevention order".

(11) In paragraph 20A—
(a) in paragraph (a), after "orders" insert "or interim serious crime prevention orders";
(b) in paragraph (b), after "order" insert "or an interim serious crime prevention order";
(c) in paragraphs (c) and (d), after "orders" insert "or interim serious crime prevention orders".

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a Williams Lea company

Published by TSO (The Stationery Office), a Williams Lea company, and available from:

Online
www.tsoshop.co.uk

Mail, Telephone & E-mail
TSO
PO Box 29, Norwich, NR3 1GN
Telephone orders/General enquiries: 0333 202 5070
E-mail: customer.services@tso.co.uk
Textphone: 0333 202 5077

ISBN 978-0-10-570296-2

9 780105 702962