

## **EXPLANATORY STATEMENT**

*Immigration (Guardianship of Children) Act 1946*  
*Immigration (Guardianship of Children) Regulations 2001*

### **INSTRUMENT OF REVOCATION**

1. This Instrument is made under the *Immigration (Guardianship of Children) Regulations 2001* ('the Regulations').
2. The purpose of the Instrument is to revoke Instrument Number IMMI 08/118 which specified authorities for the purpose of Regulation 4 of the Regulations. Regulation 4 of the Regulations was repealed on 24 March 2012 and so a Legislative Instrument for the purpose of Regulation 4 is no longer required or necessary.
3. Consultation is unnecessary as, under subsection 18(1) of the *Legislative Instruments Act 2003*, the Instrument is of a minor or machinery nature and does not substantially alter existing arrangements.
4. Under section 42 of the *Legislative Instruments Act 2003* the Instrument is subject to disallowance and therefore a Human Rights Statement of Compatibility has been provided.
5. The Office of Best Practice Regulation has advised that a Regulatory Impact Statement is not required (OBPR Reference 13644).
6. The Instrument, IMMI 12/045, commences on 15 May 2012.

## **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### **Revocation of F2009L00301 “*Immigration (Guardianship of Children) Regulations 2001* – specification for the purposes of regulation 4 – *Welfare of Children: Offices that are Authorities – February 2009*”**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### **Overview of the Legislative Instrument**

Proposed amendments to the *Immigration (Guardianship of Children) Regulations 2001* (the Regulations) seek to remove all references to an authority of a State and repeal regulation 4 which gives the Minister for Immigration and Citizenship the power to declare offices that are the authority of a state.

The proposed amendments will result in instrument F2009L00301 no longer having any purpose or authority. The revocation of this instrument will therefore remove any confusion as to its function.

#### **Human rights implications**

This Legislative Instrument does not engage any of the applicable rights or freedoms.

#### **Conclusion**

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.