

SCHEDULES

SCHEDULE 14

Section 169(1).

CONSEQUENTIAL AMENDMENTS

The Marriages (Ireland) Act 1844 (c. 81)

- 1 In Schedule (B) to the Marriages (Ireland) Act 1844, in the fifth column, after “Dwelling Place” insert “and Nationality”.

The Marriage Law (Ireland) Amendment Act 1863 (c. 27)

- 2 In Schedule (A) to the Marriage Law (Ireland) Amendment Act 1863, in the fifth column, after “Dwelling Place” insert “and Nationality”

The Marriage Act 1949 (c. 76)

- 3 The Marriage Act 1949 is amended as follows.
- 4 In section 3(1) (marriages of persons under 21)—
- (a) for “a certificate” substitute “certificates”; and
 - (b) omit “whether by licence or without licence.”.
- 5 In section 5 (methods of authorising marriages), in paragraph (d), for “a certificate” substitute “certificates”.
- 6 In section 17 (marriage under superintendent registrar’s certificate)—
- (a) for “a certificate” substitute “certificates”; and
 - (b) for “notice of marriage and certificate” substitute “notices of marriage and certificates”.
- 7 In section 25 (void marriages)—
- (a) in paragraph (b), for “a certificate” substitute “certificates”;
 - (b) in paragraph (c), for “a certificate of a superintendent registrar which is” substitute “certificates of a superintendent registrar which are”; and
 - (c) in paragraph (d), for “a certificate” substitute “certificates” and for “notice of marriage and certificate” substitute “notices of marriage and certificates”.
- 8 In section 27(1) (notice of marriage), for “a certificate” substitute “certificates”.
- 9 In section 27A (additional information required in certain cases)—
- (a) in subsections (2) and (3), for the first “the notice” substitute “each notice”;
 - (b) in subsection (4), for the first “The person” substitute “Each person”; and
 - (c) in subsection (6), for “either” substitute “each”.
- 10 In section 27B (provisions relating to section 1(3) marriages)—
- (a) in subsection (1), for “a certificate” substitute “certificates”;

Status: This is the original version (as it was originally enacted).

- (b) in subsections (4) and (6), omit “or licence”; and
 - (c) in subsection (5), omit “, or certificate and licence.”.
- 11 In section 28(1) (declaration to accompany notice of marriage), omit “or licence” and for paragraph (b) substitute—
- “(b) that the persons to be married have for the period of 7 days immediately before the giving of the notice had their usual places of residence within the registration district or registration districts in which notice is given;”.
- 12 In section 29 (caveat against issue of certificate or licence), omit every “or licence”.
- 13 In section 30 (provision for issue of certificate to be forbidden) for first “a certificate” substitute “certificates”.
- 14 In section 31 (marriage certificates)—
- (a) in subsections (1) and (4), for “a certificate” substitute “certificates”; and
 - (b) in subsection (5), for “one of the persons to be married” substitute “the person by whom notice of marriage was given”.
- 15 For section 33 substitute—

“33 Period of validity of certificate

- (1) A marriage may be solemnized on the authority of certificates of a superintendent registrar at any time within the period which is the applicable period in relation to that marriage.
 - (2) If the marriage is not solemnized within the applicable period—
 - (a) the notices of marriage and the certificates are void; and
 - (b) no person may solemnize the marriage on the authority of those certificates.
 - (3) The applicable period, in relation to a marriage, is the period beginning with the day on which the notice of marriage was entered in the marriage notice book and ending—
 - (a) in the case of a marriage which is to be solemnized in pursuance of section 26(1)(dd), 37 or 38, on the expiry of three months; and
 - (b) in the case of any other marriage, on the expiry of twelve months.
 - (4) If the notices of marriage given by each person to be married are not given on the same date, the applicable period is to be calculated by reference to the earlier of the two dates.”
- 16 For section 34 substitute—

“34 Marriages normally to be solemnized in registration district in which one party resides

- Subject to section 35, a superintendent registrar may not issue a certificate for the solemnization of a marriage elsewhere than within a registration district in which one of the persons to be married has resided for 7 days immediately before the giving of the notice of marriage.”
- 17 (1) Section 35 (marriages in registration district in which neither party resides) is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In subsection (1)—
 - (a) omit “, or if the marriage is to be by licence, a certificate and a licence,”; and
 - (b) for “or certificate and licence is issued” substitute “is issued in respect of each of the persons to be married”.
- (3) In subsections (2) and (4), omit “or, if the marriage is to be by licence, a certificate and a licence,”.
- (4) In subsections (2A) and (2B), omit “or, if the marriage is to be by licence, a certificate and licence,”.
- (5) In subsection (5)—
 - (a) for “a certificate” substitute “certificates”;
 - (b) for “the notice” substitute “each notice”; and
 - (c) for “the certificate” substitute “each certificate”.
- 18 Omit section 36 (superintendent registrar not normally to issue licences for marriages in registered buildings outside his district).
- 19 In section 37(1) (one party resident in Scotland)—
 - (a) for first “a certificate” substitute “certificates”; and
 - (b) omit “without licence”.
- 20 (1) Section 38 (one party resident in Northern Ireland) is amended as follows.
 - (2) In subsection (1)—
 - (a) for “a certificate” substitute “certificates”; and
 - (b) omit “without licence”.
 - (3) In subsection (2), for “and place of residence” substitute “, place of residence and nationality”.
 - (4) In subsection (3), for “twenty-one” substitute “15”.
- 21 In section 39(1) (issue of certificates on board Her Majesty’s ships)—
 - (a) for first “a certificate” substitute “certificates”; and
 - (b) omit “without licence”.
- 22 In section 40 (forms of certificates for marriage), omit subsection (2).
- 23 In section 44(1) (solemnization of marriage in registered buildings), for “a notice of marriage and certificate” substitute “the notices of marriage and certificates”.
- 24 In section 45(1) (solemnization of marriage in register office)—
 - (a) for “a certificate” substitute “certificates”;
 - (b) for first “notice” substitute “notices”;
 - (c) for “notice has” substitute “notices have”; and
 - (d) for “certificate or certificate and licence, as the case may be, has or” substitute “certificates”.
- 25 In section 47(2) (marriages according to usages of Society of Friends), in paragraph (a), for “the person” substitute “each person”.
- 26 In section 48(1) (proof of certain matters not necessary to validity of marriages), in paragraph (a), for “notice” substitute “notices”.
- 27 In section 49 (void marriages)—

Status: This is the original version (as it was originally enacted).

- (a) in paragraph (b), after “issued” insert “, in respect of each of the persons to be married.”;
 - (b) omit paragraph (c);
 - (c) in paragraph (d), for “a certificate which is” substitute “certificates which are”; and
 - (d) in paragraph (e), for “notice” substitute “notices” and for “certificate” substitute “certificates”.
- 28 In section 50 (person to whom certificate to be delivered)—
- (a) in subsection (1), for “a certificate” substitute “certificates” and omit “the certificate or, if notice of marriage has been given to more than one superintendent registrar.”;
 - (b) omit subsection (2); and
 - (c) in subsection (3), for “certificate or certificate and licence, as the case may be,” substitute “certificates”.
- 29 In section 51(1) (fees of registrars for attending marriages), omit from first “the sum” to “case.”.
- 30 (1) Section 75 (offences relating to solemnization of marriages) is amended as follows.
- (2) In subsection (1)(b), for “a certificate” substitute “certificates”.
 - (3) In subsection (2)—
 - (a) in paragraph (a)(ii), for “notice of marriage and certificate” substitute “notices of marriage and certificates”;
 - (b) in paragraph (d), for “a certificate” substitute “certificates” and for from “(not being” to “book” substitute “before the expiry of the waiting period in relation to each notice of marriage”; and
 - (c) in paragraph (e), for “a certificate” substitute “certificates”.
 - (4) After subsection (2), insert—
 - “(2A) In subsection (2)(d) “the waiting period” has the same meaning as in section 31(4A).”
 - (5) In subsection (3), for paragraph (a) substitute—
 - “(a) issues any certificate for marriage before the expiry of 15 days from the day on which the notice of marriage was entered in the marriage notice book;”.
 - (6) In subsection (3), in paragraph (b), omit “or licence”.
- 31 In section 78(3) (interpretation), in paragraph (a), for “the notice” substitute “each notice”.
- 32 In Schedule 4 (provisions of Act which are excluded or modified in their application to naval, military and air force chapels), in Part III (exclusion of provisions relating to marriages otherwise than according to the rites of the Church of England), omit “The proviso to subsection (2) of section twenty-six”.
- 33 In section 55 of the Prison Act 1952 (provisions extending to Scotland) at the end insert—

The Prison Act 1952 (c. 52)

Status: This is the original version (as it was originally enacted).

“(4A) Subsections (2) to (5) of section 5A, as applied by subsection (5A) of that section, extend to Scotland.”

The Firearms Act 1968 (c. 27)

- 34 The Firearms Act 1968 is amended as follows.
- 35 In Schedule 1 (offences for which there is an additional penalty if committed when in possession of a firearm), after paragraph 5B insert—
- “5C. An offence under paragraph 4 of Schedule 11 to the Immigration and Asylum Act 1999 (assaulting a detainee custody officer).”
- 36 In Schedule 2 (which lists corresponding Scottish offences), after paragraph 13A insert—
- “13B. An offence under paragraph 4 of Schedule 11 to the Immigration and Asylum Act 1999 (assaulting a detainee custody officer).”

The Family Law Reform Act 1969 (c. 46)

- 37 In section 2(3) (provisions relating to marriage), omit “or licence” in both cases.

The Marriage (Registrar General’s Licence) Act 1970 (c. 34)

- 38 The Marriage (Registrar General’s Licence) Act 1970 is amended as follows.
- 39 In section 1(1) (marriages which may be solemnised by Registrar General’s licence), for “a certificate” substitute “certificates”.
- 40 In section 5 (caveat against issue of Registrar General’s licence), omit “or licence”.
- 41 In section 6 (marriage of persons under 18), for “a certificate” substitute “certificates”.
- 42 In section 13 (void marriages)—
- (a) in paragraph (a), for ““certificate” substitute ““certificates” and for ““Registrar” substitute ““a Registrar””; and
 - (b) omit paragraph (b).

The Immigration Act 1971 (c. 77)

- 43 The 1971 Act is amended as follows.
- 44 (1) In section 3 (general provisions for regulation and control), in subsection (1)(a), after “in accordance with” insert “the provisions of, or made under”.
- (2) In section 3, for subsection (5) substitute—
- “(5) A person who is not a British citizen is liable to deportation from the United Kingdom if—
- (a) the Secretary of State deems his deportation to be conducive to the public good; or
 - (b) another person to whose family he belongs is or has been ordered to be deported.”
- 45 In section 4(1) (giving or refusal of leave to enter or remain to be in writing except where allowed by the Act) for “allowed by” substitute “allowed by or under”.

Status: This is the original version (as it was originally enacted).

- 46 In section 7(1) (exemption of certain residents from deportation)—
- (a) in paragraph (a), for “3(5)(b)” substitute “3(5)(a)”; and
 - (b) in paragraph (b), for “, (b) or (c)” substitute “or (b) or 10 of the Immigration and Asylum Act 1999”.
- 47 (1) Section 10 (entry otherwise than by sea or air) is amended as follows.
- (2) In subsection (1), omit from “and any such Order” to the end.
 - (3) After subsection (1), insert—
 - “(1A) Her Majesty may by Order in Council direct that paragraph 27B or 27C of Schedule 2 shall have effect in relation to trains or vehicles as it has effect in relation to ships or aircraft.
 - (1B) Any Order in Council under this section may make—
 - (a) such adaptations or modifications of the provisions concerned, and
 - (b) such supplementary provisions,
 as appear to Her Majesty to be necessary or expedient for the purposes of the Order.”
 - (4) In subsection (2), for “this section” substitute “subsection (1)”.
- 48 In section 11(1) (entry to the United Kingdom), at the end insert “or by Part III of the Immigration and Asylum Act 1999”.
- 49 Omit Part II.
- 50 In section 24 (illegal entry and similar offences), omit subsections (1)(aa) and (2).
- 51 In section 25 (assisting illegal entry and harbouring), omit subsection (3).
- 52 (1) Section 27 (offences by persons connected with ships or aircraft) is amended as follows.
- (2) In paragraph (a)(ii), after “Schedule 2 or 3” insert “or under the Immigration and Asylum Act 1999”.
 - (3) In paragraph (b)(iii)—
 - (a) after “arrangements for” insert “or in connection with”; and
 - (b) at the end insert “or under the Immigration and Asylum Act 1999; or
 - (iv) he fails, without reasonable excuse, to comply with the requirements of paragraph 27B or 27C of Schedule 2;”.
- 53 In section 28(1) (time limits for proceedings) after “24,” insert “24A,”.
- 54 (1) Section 32 (proof of documents) is amended as follows.
- (2) In subsection (2)—
 - (a) for “this Act” substitute “the Immigration Acts”; and
 - (b) after second “by him” insert “or on his behalf”.
 - (3) In subsection (3), for “proceedings under Part II of this Act” substitute “other proceedings under the Immigration Acts”.
 - (4) In subsection (4)—
 - (a) for first “this Act” substitute “the Immigration Acts”; and

Status: This is the original version (as it was originally enacted).

- (b) for “proceedings under Part II of this Act” substitute “other proceedings under the Immigration Acts”.
- (5) After subsection (4) insert—
- “ (5) “Immigration Acts” has the same meaning as in the Immigration and Asylum Act 1999.”
- (6) The amendments made by sub-paragraphs (2)(a) and (5) apply whenever the document in question was made or issued.
- 55 In section 33 (interpretation), for subsection (4) substitute—
- “ (4) For the purposes of this Act, the question of whether an appeal is pending shall be determined—
- (a) in relation to an appeal to the Special Immigration Appeals Commission, in accordance with section 7A of the Special Immigration Appeals Commission Act 1997;
- (b) in any other case, in accordance with section 58(5) to (10) of the Immigration and Asylum Act 1999”.
- 56 In Schedule 2 (administrative provisions as to control on entry), in paragraph 2(1) (purposes for which persons arriving in the United Kingdom may be examined), for paragraph (c) substitute—
- “ (c) whether, if he may not—
- (i) he has been given leave which is still in force,
- (ii) he should be given leave and for what period or on what conditions (if any), or
- (iii) he should be refused leave.”
- 57 In Schedule 2, after paragraph 2, insert—
- “Examination of persons who arrive with continuing leave*
- 2A (1) This paragraph applies to a person who has arrived in the United Kingdom with leave to enter which is in force but which was given to him before his arrival.
- (2) He may be examined by an immigration officer for the purpose of establishing—
- (a) whether there has been such a change in the circumstances of his case, since that leave was given, that it should be cancelled;
- (b) whether that leave was obtained as a result of false information given by him or his failure to disclose material facts; or
- (c) whether there are medical grounds on which that leave should be cancelled.
- (3) He may also be examined by an immigration officer for the purpose of determining whether it would be conducive to the public good for that leave to be cancelled.
- (4) He may also be examined by a medical inspector or by any qualified person carrying out a test or examination required by a medical inspector.

Status: This is the original version (as it was originally enacted).

- (5) A person examined under this paragraph may be required by the officer or inspector to submit to further examination.
- (6) A requirement under sub-paragraph (5) does not prevent a person who arrives—
- (a) as a transit passenger,
 - (b) as a member of the crew of a ship or aircraft, or
 - (c) for the purpose of joining a ship or aircraft as a member of the crew,
- from leaving by his intended ship or aircraft.
- (7) An immigration officer examining a person under this paragraph may by notice suspend his leave to enter until the examination is completed.
- (8) An immigration officer may, on the completion of any examination of a person under this paragraph, cancel his leave to enter.
- (9) Cancellation of a person’s leave under sub-paragraph (8) is to be treated for the purposes of this Act and Part IV of the Immigration and Asylum Act 1999 as if he had been refused leave to enter at a time when he had a current entry clearance.
- (10) A requirement imposed under sub-paragraph (5) and a notice given under sub-paragraph (7) must be in writing.”
- 58 In Schedule 2, in paragraph 4(1) and (2) (production of information and documents in connection with examinations), after “paragraph 2” insert “, 2A”.
- 59 In Schedule 2, for paragraph 7 substitute—

“Power to require medical examination after entry

- 7 (1) This paragraph applies if an immigration officer examining a person under paragraph 2 decides—
- (a) that he may be given leave to enter the United Kingdom; but
 - (b) that a further medical test or examination may be required in the interests of public health.
- (2) This paragraph also applies if an immigration officer examining a person under paragraph 2A decides—
- (a) that his leave to enter the United Kingdom should not be cancelled; but
 - (b) that a further medical test or examination may be required in the interests of public health.
- (3) The immigration officer may give the person concerned notice in writing requiring him—
- (a) to report his arrival to such medical officer of health as may be specified in the notice; and
 - (b) to attend at such place and time and submit to such test or examination (if any), as that medical officer of health may require.

Status: This is the original version (as it was originally enacted).

- (4) In reaching a decision under paragraph (b) of sub-paragraph (1) or (2), the immigration officer must act on the advice of—
- (a) a medical inspector; or
 - (b) if no medical inspector is available, a fully qualified medical practitioner.”
- 60 In Schedule 2, in paragraph 16 (detention of persons liable to examination), after sub-paragraph (1), insert—
- “(1A) A person whose leave to enter has been suspended under paragraph 2A may be detained under the authority of an immigration officer pending—
- (a) completion of his examination under that paragraph; and
 - (b) a decision on whether to cancel his leave to enter.”
- 61 In Schedule 2, in paragraph 18 (treatment of persons detained), after sub-paragraph (2) insert—
- “(2A) The power conferred by sub-paragraph (2) includes power to take fingerprints.”
- 62 In Schedule 2, paragraph 21 (temporary admission of persons liable to detention) is amended as follows.
- (2) After sub-paragraph (2) insert—
- “(2A) The provisions that may be included in restrictions as to residence imposed under sub-paragraph (2) include provisions of such a description as may be prescribed by regulations made by the Secretary of State.
- (2B) The regulations may, among other things, provide for the inclusion of provisions—
- (a) prohibiting residence in one or more particular areas;
 - (b) requiring the person concerned to reside in accommodation provided under section 4 of the Immigration and Asylum Act 1999 and prohibiting him from being absent from that accommodation except in accordance with the restrictions imposed on him.
- (2C) The regulations may provide that a particular description of provision may be imposed only for prescribed purposes.
- (2D) The power to make regulations conferred by this paragraph is exercisable by statutory instrument and includes a power to make different provision for different cases.
- (2E) But no regulations under this paragraph are to be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.”
- (3) In sub-paragraph (3), after “2” insert “or 2A”.
- (4) In sub-paragraph (4)(a), omit “under paragraph 2 above”.
- 63 In Schedule 2, in paragraph 22 (temporary release of persons liable to detention), in sub-paragraph (1)(a), after “examination,” insert—

Status: This is the original version (as it was originally enacted).

- “(aa) a person detained under paragraph 16(1A) above pending completion of his examination or a decision on whether to cancel his leave to enter.”.
- 64 (1) In Schedule 2, paragraph 26 (supplementary duties of those connected with ships or aircraft or with ports) is amended as follows.
- (2) In sub-paragraph (1), omit “and have not been given leave”.
- (3) After sub-paragraph (1) insert—
- “(1A) Sub-paragraph (1) does not apply in such circumstances, if any, as the Secretary of State may by order prescribe.”
- (4) After sub-paragraph (3) insert—
- “(3A) The power conferred by sub-paragraph (1A) is exercisable by statutory instrument; and any such instrument shall be subject to annulment by a resolution of either House of Parliament.”
- 65 In Schedule 2, omit paragraph 28.
- 66 In Schedule 2, in paragraph 29, for “13(1), 16 or 17 of this Act” substitute “ 59, 65, 66, 67, 69(1) or (5) or 71 of the Immigration and Asylum Act 1999”.
- 67 In Schedule 2, in paragraph 34 (grant of bail pending removal), in sub-paragraph (1), after “examination” insert “, detained under paragraph 16(1A) above pending completion of his examination or a decision on whether to cancel his leave to enter”.
- 68 In Schedule 3, in paragraph 2(4) (application of certain provisions if person detained under Schedule 3), for “and 18” substitute “,18 and 25A to 25E”.
- 69 In Schedule 3 (supplementary provision as to deportation), in paragraph 3—
- (a) for “16 or 17” substitute “ 66 or 67 of the Immigration and Asylum Act 1999”;
- (b) omit “in paragraph 28(2), (3) and (6) and”; and
- (c) for “15(1)(a)” substitute “ 63(1)(a) or 69(4)(a) of the Immigration and Asylum Act 1999”.
- 70 In Schedule 4 (integration of United Kingdom and Islands immigration law), for paragraph 3 (deportation) substitute—
- “3 (1) This Act has effect in relation to a person who is subject to an Islands deportation order as if the order were a deportation order made against him under this Act.
- (2) Sub-paragraph (1) does not apply if the person concerned is—
- (a) a British citizen;
- (b) an EEA national;
- (c) a member of the family of an EEA national; or
- (d) a member of the family of a British citizen who is neither such a citizen nor an EEA national.
- (3) The Secretary of State does not, as a result of sub-paragraph (1), have power to revoke an Islands deportation order.

Status: This is the original version (as it was originally enacted).

- (4) In any particular case, the Secretary of State may direct that paragraph (b), (c) or (d) of sub-paragraph (2) is not to apply in relation to the Islands deportation order.
- (5) Nothing in this paragraph makes it unlawful for a person in respect of whom an Islands deportation order is in force in any of the Islands to enter the United Kingdom on his way from that island to a place outside the United Kingdom.
- (6) “Islands deportation order” means an order made under the immigration laws of any of the Islands under which a person is, or has been, ordered to leave the island and forbidden to return.
- (7) Subsections (10) and (12) to (14) of section 80 of the Immigration and Asylum Act 1999 apply for the purposes of this section as they apply for the purposes of that section.”

The House of Commons Disqualification Act 1975 (c. 24)

71 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices)—

- (a) omit—
“Adjudicator appointed for the purposes of the Immigration Act 1971”; and
- (b) at the appropriate places, insert—
“Adjudicator appointed for the purposes of the Immigration and Asylum Act 1999”; and
“Asylum Support Adjudicator”.

The Northern Ireland Assembly Disqualification Act 1975 (c. 25)

72 In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (disqualifying offices)—

- (a) omit—
“Adjudicator appointed for the purposes of the Immigration Act 1971”; and
- (b) at the appropriate places, insert—
“Adjudicator appointed for the purposes of the Immigration and Asylum Act 1999”; and
“Asylum Support Adjudicator”.

The Protection from Eviction Act 1977 (c. 43)

73 In section 3A of the Protection from Eviction Act 1977 (excluded tenancies and licences), after subsection (7), insert—

- “(7A) A tenancy or licence is excluded if it is granted in order to provide accommodation under Part VI of the Immigration and Asylum Act 1999.”

Status: This is the original version (as it was originally enacted).

The Education (Scotland) Act 1980 (c. 44)

74 Section 53 of the Education (Scotland) Act 1980 (requirement to provide school meals etc) is amended as follows—

- (a) in subsection (3)—
 (i) for the words from the beginning to “an”, where it occurs for the second time, substitute—

“(3) Subsection (3AA) below applies in relation to a pupil—

- (a) whose parents are in receipt of—
 (i) income support;
 (ii) an income-based jobseeker’s allowance (payable under the Jobseekers Act 1995);
 or
 (iii) support provided under Part VI of the Immigration and Asylum Act 1999; or
 (b) who is himself in receipt of income support or an income-based jobseeker’s allowance.

(3AA) An”; and

- (ii) for “him”, where it occurs for the first time, substitute “the pupil”;
 and

- (b) in subsection (3A), for “Subsections (1), (2) and (3)” substitute “Subsections (1) to (3AA)”.

The Firearms (Northern Ireland) Order 1981 (S.I. 1981/155 (N.I. 2))

75 In Schedule 1 to the Firearms (Northern Ireland) Order 1981 (offences for which there is an additional penalty if committed when in possession of a firearm), after paragraph 4 insert—

- “4A An offence under paragraph 4 of Schedule 11 to the Immigration and Asylum Act 1999 (assaulting a detainee custody officer).”

The Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))

76 In Article 98(11) of the Magistrates' Courts (Northern Ireland) Order 1981 (enforcement of orders for periodical payment of money), at the end, insert—

- “(k) section 113 of the Immigration and Asylum Act 1999.”

The Marriage Act 1983 (c. 32)

77 In section 1 of the Marriage Act 1983 (marriages of house-bound and detained persons in England and Wales)—

- (a) in subsection (1), for “a superintendent registrar’s certificate” substitute “certificates of a superintendent registrar”; and
 (b) in subsection (2)(a), for “the notice” substitute “each notice”.

The Housing (Northern Ireland) Order 1983 (S.I. 1983/1118 (N.I. 15))

78 In Schedule 2 to the Housing (Northern Ireland) Order 1983 (tenancies which are not secure tenancies), after paragraph 3, insert—

Status: This is the original version (as it was originally enacted).

“Accommodation for asylum-seekers

- 3A (1) A tenancy is not a secure tenancy if it is granted in order to provide accommodation under Part VI of the Immigration and Asylum Act 1999.
- (2) A tenancy mentioned in sub-paragraph (1) becomes a secure tenancy if the landlord notifies the tenant that it is to be regarded as a secure tenancy.”

The Rent (Scotland) Act 1984 (c. 58)

- 79 In section 23A of the Rent (Scotland) Act 1984 (excluded tenancies and occupancy rights), after subsection (5) insert—

“(5A) Nothing in section 23 of this Act applies to a tenancy or right of occupancy if it is granted in order to provide accommodation under Part VI of the Immigration and Asylum Act 1999.”

The Police and Criminal Evidence Act 1984 (c. 60)

- 80 (1) The Police and Criminal Evidence Act 1984 is amended as follows.
- (2) In section 8 (power of justice to authorise entry and search of premises), at the end insert—
- “(6) This section applies in relation to a relevant offence (as defined in section 28D(4) of the Immigration Act 1971) as it applies in relation to a serious arrestable offence.”
- (3) In section 22 (retention), at the end insert—
- “(6) This section also applies to anything retained by the police under section 28H(5) of the Immigration Act 1971.”
- (4) In section 61 (fingerprints), in subsection (9)(a), after “1971” insert “, section 141 of the Immigration and Asylum Act 1999 or regulations made under section 144 of that Act”.

The Housing Act 1985 (c. 68)

- 81 In Schedule 1 to the Housing Act 1985 (tenancies which cannot be secure tenancies), after paragraph 4, insert—

“Accommodation for asylum-seekers

- 4A (1) A tenancy is not a secure tenancy if it is granted in order to provide accommodation under Part VI of the Immigration and Asylum Act 1999.
- (2) A tenancy mentioned in sub-paragraph (1) becomes a secure tenancy if the landlord notifies the tenant that it is to be regarded as a secure tenancy.”

Status: This is the original version (as it was originally enacted).

The Housing (Scotland) Act 1987 (c. 26)

82 In Schedule 2 to the Housing (Scotland) Act 1987 (tenancies which cannot be secure tenancies), after paragraph 5 insert—

“Accommodation for asylum-seekers

- 5A (1) A tenancy shall not be a secure tenancy if it is granted in order to provide accommodation under Part VI of the Immigration and Asylum Act 1999.
- (2) A tenancy mentioned in sub-paragraph (1) becomes a secure tenancy if the landlord notifies the tenant that it is to be regarded as a secure tenancy.”

The Immigration Act 1988 (c. 14)

83 The Immigration Act 1988 is amended as follows.

84 Omit section 5 (restricted right of appeal against deportation in cases of breach of limited leave).

85 Omit section 8 (examination of passengers before arrival).

86 Omit section 9 (charges).

The Housing (Scotland) Act 1988 (c. 43)

87 In Schedule 4 to the Housing (Scotland) Act 1988 (tenancies which cannot be assured tenancies), after paragraph 11A insert—

“Accommodation for asylum-seekers

- 11B A tenancy granted under arrangements for the provision of support for asylum-seekers or dependants of asylum-seekers made under Part VI of the Immigration and Asylum Act 1999.”

The Housing Act 1988 (c. 50)

88 In Schedule 1 to the Housing Act 1988 (tenancies which are not assured tenancies), after paragraph 12, insert—

“Accommodation for asylum-seekers

- 12A (1) A tenancy granted by a private landlord under arrangements for the provision of support for asylum-seekers or dependants of asylum-seekers made under Part VI of the Immigration and Asylum Act 1999.
- (2) “Private landlord” means a landlord who is not within section 80(1) of the Housing Act 1985.”

The Prevention of Terrorism (Temporary Provisions) Act 1989 (c. 4)

89 (1) Paragraph 10 of Schedule 5 to the Prevention of Terrorism (Temporary Provisions) Act 1989 (requirements on captain of ship or aircraft with respect to passengers and crew) is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In sub-paragraph (4), for “unless he is subject to the requirements of an order under paragraph 27(2) of Schedule 2 to the Immigration Act 1971 and subject to sub-paragraph (6)” substitute “subject to sub-paragraphs (5A) and (6)”.
- (3) After sub-paragraph (5), insert—
 - “(5A) Sub-paragraph (4) above does not apply to the extent that the information mentioned in sub-paragraph (5) above is the subject of—
 - (a) an order under paragraph 27(2) of Schedule 2 to the Immigration Act 1971 in relation to the arrival of the ship or aircraft, or
 - (b) a request made to the owner or agent of the ship or aircraft under paragraph 27B of that Schedule in relation to the arrival of the ship or aircraft.”

The Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

- 90 (1) The Police and Criminal Evidence (Northern Ireland) Order 1989 is amended as follows.
- (2) In Article 10 (provision for Northern Ireland corresponding to section 8 of the 1984 Act), at the end insert—

“(6) This Article applies in relation to a relevant offence (as defined in section 28D(4) of the Immigration Act 1971) as it applies in relation to a serious arrestable offence.”
 - (3) In Article 24 (provision for Northern Ireland corresponding to section 22 of the 1984 Act), at the end insert—

“(6) This Article also applies to anything retained by the police under section 28H(5) of the Immigration Act 1971.”
 - (4) In Article 61 (fingerprints) in paragraph (9)(a), after “1971” insert “, section 141 of the Immigration and Asylum Act 1999 or regulations made under section 144 of that Act”.

The Courts and Legal Services Act 1990 (c. 41)

- 91 (1) The Courts and Legal Services Act 1990 is amended as follows.
- (2) In Schedule 10 (judicial and other appointments), omit paragraph 34.
 - (3) In Schedule 11 (judges etc. barred from legal practice), in the entry relating to the Immigration Appeal Tribunal, omit “appointed under Schedule 5 to the Immigration Act 1971” and after that entry insert—

“Adjudicator for the purposes of the Immigration and Asylum Act 1999 (other than Asylum Support Adjudicator)”.

The Social Security Contributions and Benefits Act 1992 (c. 4)

- 92 In the Social Security Contributions and Benefits Act 1992, omit section 146A (persons subject to immigration control).

Status: This is the original version (as it was originally enacted).

The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)

- 93 In the Social Security Contributions and Benefits (Northern Ireland) Act 1992, omit section 142A (persons subject to immigration control).

The Tribunals and Inquiries Act 1992 (c. 53)

- 94 The Tribunals and Inquiries Act 1992 is amended as follows.
- 95 In Schedule 1 (tribunals under the supervision of the Council on Tribunals), after paragraph 2 insert—

“Asylum-seekers support	2A. Asylum Support Adjudicators established under section 102 of the Immigration and Asylum Act 1999.”
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- 96 In Schedule 1, in paragraph 22—
- (a) in sub-paragraph (a), for “12 of the Immigration Act 1971” substitute “ 57 of the Immigration and Asylum Act 1999”; and
- (b) in sub-paragraph (b), for “that section” substitute “section 56 of that Act”.

- 97 In Schedule 1, after paragraph 22, insert—

“Immigration services	22A. The Immigration Services Tribunal established under section 87 of the Immigration and Asylum Act 1999.”
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The Judicial Pensions and Retirement Act 1993 (c. 8)

- 98 (1) The Judicial Pensions and Retirement Act 1993 is amended as follows.
- (2) In Schedule 1 (offices which may be qualifying judicial offices), in Part II, for “Chief, or any other, immigration adjudicator under the Immigration Act 1971” substitute “Adjudicator for the purposes of the Immigration and Asylum Act 1999 (other than Asylum Support Adjudicator)”.
- (3) In Schedule 5 (relevant offices in relation to the retirement provisions), for “Immigration Adjudicator” substitute “Adjudicator for the purposes of the Immigration and Asylum Act 1999 (other than Asylum Support Adjudicator)”.
- (4) In Schedule 6 (retirement date for certain judicial offices), omit paragraphs 37 and 38.

The Asylum and Immigration Appeals Act 1993 (c. 23)

- 99 The Asylum and Immigration Appeals Act 1993 is amended as follows.
- 100 Omit section 3 (fingerprinting).
- 101 Omit sections 4 and 5 and Schedule 1 (housing of asylum-seekers and their dependants).
- 102 (1) Omit section 6 (protection of asylum claimants from deportation etc.).
- (2) This paragraph is to be treated as having come into force on 26th July 1993.
- 103 Omit section 7 (curtailment of leave).

Status: This is the original version (as it was originally enacted).

- 104 Omit sections 8, 9, 10 and 11 and Schedule 2 (which relate to appeals).
- 105 For paragraph (a) of section 9A(1) (bail pending appeal from Immigration Appeal Tribunal), substitute—
- “(a) has an appeal under Part IV of the Immigration and Asylum Act 1999 which is pending by reason of an appeal, or an application for leave to appeal;”.
- 106 In section 9A(6), for “section 9 above” substitute “paragraph 23 of Schedule 4 of the Immigration and Asylum Act 1999”.
- 107 Omit section 12 (carriers' liability).

The Asylum and Immigration Act 1996 (c. 49)

- 108 The Asylum and Immigration Act 1996 is amended as follows.
- 109 Omit section 7 (power of arrest and search warrants).
- 110 Omit section 9 (entitlement to housing accommodation and assistance).
- 111 Omit section 10 (entitlement to child benefit).
- 112 Omit section 11 (saving for social security regulations).
- 113 Omit Schedule 1 (modifications of social security regulations).
- 114 In Schedule 2, omit sub-paragraphs (2) and (3) of paragraph 1, paragraph 3 and paragraph 4(2) (which are spent as a result of this Act).
- 115 In Schedule 3, omit paragraphs 1, 2 and 5 (which are spent as a result of this Act).

The Housing Act 1996 (c. 52)

- 116 In section 183(2) of the Housing Act 1996 (interpretation of expressions related to assistance), in the definition of “eligible for assistance”, omit “or section 186 (asylum seekers and their dependants)”.

The Education Act 1996 (c. 56)

- 117 In section 512(3) of the Education Act 1996 (requirement to provide school meals)
- (a) for the words from the beginning to “a”, where it occurs for the second time, substitute—
- “(3) Subsection (3A) applies in relation to a pupil—
- (a) whose parents are in receipt of—
- (i) income support;(ii) an income-based jobseeker's allowance (payable under the Jobseekers Act 1995); or(iii) support provided under Part VI of the Immigration and Asylum Act 1999; or(b) who is himself in receipt of income support or an income-based jobseeker's allowance.
- (3A) A”; and
- (b) in paragraph (a), for “him” substitute “the pupil”.

Status: This is the original version (as it was originally enacted).

The Special Immigration Appeals Commission Act 1997 (c. 68)

- 118 The Special Immigration Appeals Commission Act 1997 is amended as follows.
- 119 In section 2 (appellate jurisdiction of the Commission), for subsection (1) substitute—
- “(1) A person may appeal to the Special Immigration Appeals Commission against a decision which he would be entitled to appeal against under any provision (other than section 59(2)) of Part IV of the Immigration and Asylum Act 1999 (“the 1999 Act”) or the Immigration (European Economic Area) Order 1994 (“the 1994 Order”) but for a public interest provision.
- (1A) “Public interest provision” means any of—
- (a) sections 60(9), 62(4), 64(1) or (2) or 70(1) to (6) of the 1999 Act; or
- (b) paragraphs (b), (c) or (d) of Article 20(2) of the 1994 Order.”
- 120 In section 2(2) for “subsection (2) of section 13 of the Immigration Act 1971, but for subsection (5) of that section” substitute “section 59(2) of the 1999 Act but for section 60(9) of that Act”.
- 121 After section 2 insert—

“2A Jurisdiction: human rights

- (1) A person who alleges that an authority has, in taking an appealable decision, acted in breach of his human rights may appeal to the Commission against that decision.
- (2) For the purposes of this section, an authority acts in breach of a person’s human rights if he acts, or fails to act, in relation to that other person in a way which is made unlawful by section 6(1) of the Human Rights Act 1998.
- (3) Subsections (4) and (5) apply if, in any appellate proceedings being heard by the Commission, a question arises as to whether an authority has, in taking a decision which is the subject of the proceedings, acted in breach of the appellant’s human rights.
- (4) The Commission has jurisdiction to consider the question.
- (5) If the Commission decides that the authority concerned acted in breach of the appellant’s human rights, the appeal may be allowed on that ground.
- (6) “Authority” means—
- (a) the Secretary of State;
- (b) an immigration officer;
- (c) a person responsible for the grant or refusal of entry clearance.
- (7) “Appealable decision” means a decision against which a person would be entitled to appeal under Part IV of the 1999 Act or the 1994 Order but for a public interest provision.
- (8) “The 1999 Act”, “the 1994 Order” and “public interest provision” have the same meaning as in section 2.”
- 122 In section 4 (determination of appeals), after subsection (1) insert—

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“(1A) If a certificate under section 70(4)(b) of the Immigration and Asylum Act 1999 has been issued, the Commission on an appeal to it under this Act may, instead of determining the appeal, quash the certificate and remit the appeal to an adjudicator.”

123 In section 7 (appeals from Commission), omit subsection (4).

124 After section 7, insert—

“7A Pending appeals

(1) For the purposes of this Act, an appeal to the Commission is to be treated as pending during the period beginning when notice of appeal is given and ending when the appeal is finally determined, withdrawn or abandoned.

(2) An appeal is not to be treated as finally determined while a further appeal may be brought.

(3) If a further appeal is brought, the original appeal is not to be treated as finally determined until the further appeal is determined, withdrawn or abandoned.

(4) A pending appeal to the Commission is to be treated as abandoned if the appellant leaves the United Kingdom.

(5) A pending appeal to the Commission is to be treated as abandoned if the appellant is granted leave to enter or remain in the United Kingdom.

(6) But subsection (5) does not apply to an appeal brought under section 2(1) as a result of section 70(4) of the Immigration and Asylum Act 1999.

(7) A pending appeal brought under section 2(1) as a result of section 62(3) of that Act is to be treated as abandoned if a deportation order is made against the appellant.”

125 In Schedule 1 (supplementary provision as to Commission), in paragraph 5(b)—

(a) in sub-paragraph (i), for “paragraph 1 of Schedule 5 to the Immigration Act 1971” substitute “section 57(2) of the Immigration and Asylum Act 1999”; and

(b) in sub-paragraph (ii), for “paragraph 7 of that Schedule” substitute “paragraph 1(3) of Schedule 2 to that Act”.

126 In Schedule 2 (supplementary provisions as to appeals) for paragraphs 1 to 3 substitute—

“Stay on directions for removal

1 If a person in the United Kingdom appeals under section 2(1) above on being refused leave to enter, any directions previously given by virtue of the refusal for his removal from the United Kingdom cease to have effect, except in so far as they have already been carried out, and no directions may be so given so long as the appeal is pending.

2 If a person in the United Kingdom appeals under section 2(1) above against any directions given under Part I of Schedule 2 or Schedule 3 to the 1971 Act for his removal from the United Kingdom, those directions

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except in so far as they have already been carried out, have no effect while the appeal is pending.

- 3 But the provisions of Part I of Schedule 2 or, as the case may be, Schedule 3 to the 1971 Act with respect to detention and persons liable to detention apply to a person appealing under section 2(1) above as if there were in force directions for his removal from the United Kingdom, except that he may not be detained on board a ship or aircraft so as to compel him to leave the United Kingdom while the appeal is pending.
- 3A In calculating the period of two months limited by paragraph 8(2) of Schedule 2 to the 1971 Act for the giving of directions under that paragraph for the removal of a person from the United Kingdom and for the giving of a notice of intention to give such directions, any period during which there is pending an appeal by him under section 2(1) above is to be disregarded.
- 3B If directions are given under Part I of Schedule 2 or Schedule 3 to the 1971 Act for anyone's removal from the United Kingdom, and directions are also so given for the removal with him of persons belonging to his family, then if any of them appeals under section 2(1) above, the appeal has the same effect under paragraphs 1 to 3A in relation to the directions given in respect of each of the others as it has in relation to the directions given in respect of the appellant.

Suspension of variation of limited leave

- 3C A variation is not to take effect while an appeal is pending under section 2(1) above against the variation.

Continuation of leave

- 3D (1) While an appeal under section 2(1) above is pending, the leave to which the appeal relates, and any conditions subject to which it was granted continue to have effect.
- (2) A person may not make an application for a variation of his leave to enter or remain while that leave is treated as continuing to have effect as a result of sub-paragraph (1).
- (3) For the purposes of section 2(1), in calculating whether, as a result of a decision, a person may be required to leave the United Kingdom within twenty-eight days, a continuation of leave under this paragraph is to be disregarded.

Deportation orders

- 3E A deportation order is not to be made against a person under section 5 of the 1971 Act while an appeal duly brought under section 2(1) above against the decision to make it is pending.
- 3F In calculating the period of eight weeks set by section 5(3) of the 1971 Act for making a deportation order against a person as belonging to the family of another person, there is to be disregarded any period during

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which an appeal under section 2(1) above against the decision to make the order is pending.

Appeals under section 2A

- 3G (1) A person is not to be required to leave, or be removed from, the United Kingdom if an appeal under section 2A is pending against the decision on which that requirement or removal would otherwise be based.
- (2) That does not prevent—
- (a) directions for his removal being given during that period;
 - (b) a deportation order being made against him during that period.
- (3) But no such direction or order is to have effect during that period.”

127 In Schedule 2, in paragraph 4, for “the Immigration Act 1971 as applied by paragraphs 1 to 3 above” substitute “this Schedule”

128 In Schedule 2, omit paragraph 5.

129 In Schedule 2, for paragraphs 6 and 7 substitute—

“Notice of appealable decision and statement of appeal rights etc.

- 6 Paragraph 1 of Schedule 4 to the Immigration and Asylum Act 1999 has effect as if section 2 of this Act were contained in Part IV of that Act.

Financial support for organisations helping persons with rights of appeal

- 7 Section 81 of the Immigration and Asylum Act 1999 shall have effect as if section 2 above were contained in Part IV of that Act.”