

SCHEDULES

SCHEDULE 15

Section 169(2).

TRANSITIONAL PROVISIONS AND SAVINGS

Leave to enter or remain

- 1 (1) An order made under section 3A of the 1971 Act may make provision with respect to leave given before the commencement of section 1.
- (2) An order made under section 3B of the 1971 Act may make provision with respect to leave given before the commencement of section 2.

Section 2 of the Asylum and Immigration Act 1996

- 2 (1) This paragraph applies in relation to any time before the commencement of the repeal by this Act of section 2 of the Asylum and Immigration Act 1996.
- (2) That section has effect, and is to be deemed always to have had effect, as if the reference to section 6 of the Asylum and Immigration Appeals Act 1993 were a reference to section 15, and any certificate issued under that section is to be read accordingly.

Adjudicators and the Tribunal

- 3 (1) Each existing member of the Tribunal is to continue as a member of the Tribunal as if he had been duly appointed by the Lord Chancellor under Schedule 2.
- (2) Each existing adjudicator is to continue as an adjudicator as if he had been duly appointed by the Lord Chancellor under Schedule 3.
- (3) The terms and conditions for a person to whom sub-paragraph (1) or (2) applies remain those on which he held office immediately before the appropriate date.
- (4) The provisions of Schedule 7 to the Judicial Pensions and Retirement Act 1993 (transitional provisions for retirement dates), so far as applicable in relation to an existing member or adjudicator immediately before the appropriate date, continue to have effect.
- (5) The repeal by this Act of Schedule 5 to the 1971 Act (provisions with respect to adjudicators and the Tribunal) does not affect any entitlement which an existing member or adjudicator had immediately before the appropriate date as a result of a determination made under paragraph 3(1)(b) or 9(1)(b) of that Schedule.
- (6) “The appropriate date” means—
- (a) in relation to existing members of the Tribunal, the date on which section 56 comes into force; and
 - (b) in relation to existing adjudicators, the date on which section 57 comes into force.

Status: This is the original version (as it was originally enacted).

- (7) “Existing member” means a person who is a member of the Tribunal immediately before the appropriate date.
- (8) “Existing adjudicator” means a person who is an adjudicator immediately before the appropriate date.

References to justices' chief executive

- 4 At any time before the coming into force of section 90 of the Access to Justice Act 1999—
- (a) the reference in section 48(3)(b) to the justices' chief executive appointed by the magistrates' court committee whose area includes the petty sessions area for which the specified court acts is to be read as a reference to the clerk of that court; and
 - (b) the reference in section 28K(9)(a) and (10) of the 1971 Act (inserted by section 138) to the justices' chief executive appointed by the magistrates' court committee whose area includes the petty sessions area for which the justice acts is to be read as a reference to the clerk to the justices for the petty sessions area for which the justice acts.

Duties under National Assistance Act 1948

- 5 Section 116 has effect, in relation to any time before section 115 is brought into force, as if section 115 came into force on the passing of this Act.

Duties under Health Services and Public Health Act 1968

- 6 Section 117(1) has effect, in relation to any time before section 115 is brought into force, as if section 115 came into force on the passing of this Act.

Duties under Social Work (Scotland) Act 1968

- 7 Subsections (1) to (3) of section 120 have effect, in relation to any time before section 115 is brought into force, as if section 115 came into force on the passing of this Act.

Duties under Health and Personal Social Services (Northern Ireland) Order 1972

- 8 Subsections (1) and (2) of section 121 have effect, in relation to any time before section 115 is brought into force, as if section 115 came into force on the passing of this Act.

Duties under National Health Service Act 1977

- 9 Section 117(2) has effect, in relation to any time before section 115 is brought into force, as if section 115 came into force on the passing of this Act.

Duties under Mental Health (Scotland) Act 1984

- 10 Subsections (4) and (5) of section 120 have effect, in relation to any time before section 115 is brought into force, as if section 115 came into force on the passing of this Act.

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Appeals relating to deportation orders

- 11 Section 15 of the 1971 Act, section 5 of the Immigration Act 1988 and the Immigration (Restricted Right of Appeal against Deportation) (Exemption) Order 1993 are to continue to have effect in relation to any person on whom the Secretary of State has, before the commencement of the repeal of those sections, served a notice of his decision to make a deportation order.
- 12 (1) Sub-paragraph (2) applies if, on the coming into force of section 10, sections 15 of the 1971 Act and 5 of the Immigration Act 1988 have been repealed by this Act.
- (2) Those sections are to continue to have effect in relation to any person—
- (a) who applied during the regularisation period fixed by section 9, in accordance with the regulations made under that section, for leave to remain in the United Kingdom, and
 - (b) on whom the Secretary of State has since served a notice of his decision to make a deportation order.

Assistance under Part VII of the Housing Act 1996

- 13 (1) The Secretary of State may by order provide for any provision of Part VII of the Housing Act 1996 (homelessness) to have effect in relation to section 185(2) persons, during the interim period, with such modifications as may be specified in the order.
- (2) An order under this paragraph may, in particular, include provision—
- (a) for the referral of section 185(2) persons by one local housing authority to another by agreement between the authorities;
 - (b) as to the suitability of accommodation for such persons;
 - (c) as to out-of-area placements of such persons.
- (3) “Interim period” means the period beginning with the passing of this Act and ending on the coming into force of the repeal of section 186 of the Act of 1996 (asylum-seekers and their dependants) by this Act (as to which see section 117(5)).
- (4) “Local housing authority” has the same meaning as in the Act of 1996.
- (5) “Section 185(2) person” means a person who—
- (a) is eligible for housing assistance under Part VII of the Act of 1996 as a result of regulations made under section 185(2) of that Act; and
 - (b) is not made ineligible by section 186 (or any other provision) of that Act.
- (6) The fact that an order may be made under this paragraph only in respect of the interim period does not prevent it from containing provisions of a kind authorised under section 166(3)(a) which are to have continuing effect after the end of that period.

Provision of support

- 14 (1) The Secretary of State may, by directions given to a local authority to whom Schedule 9 applies, require the authority to treat the interim period fixed for the purposes of that Schedule as coming to an end—
- (a) for specified purposes,
 - (b) in relation to a specified area or locality, or
 - (c) in relation to persons of a specified description,
- on such earlier day as may be specified.

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- (2) The Secretary of State may, by directions given to an authority to whom an amended provision applies, provide for specified descriptions of person to be treated—
 - (a) for specified purposes, or
 - (b) in relation to a specified area or locality,as being persons to whom section 115 applies during such period as may be specified.
- (3) Directions given under this paragraph may—
 - (a) make such consequential, supplemental or transitional provision as the Secretary of State considers appropriate; and
 - (b) make different provision for different cases or descriptions of case.
- (4) “Specified” means specified in the directions.
- (5) “Amended provision” means any provision amended by—
 - (a) section 116;
 - (b) section 117(1) or (2);
 - (c) section 120; or
 - (d) section 121.