

SCHEDULES

SCHEDULE 1

Sections 37(6) and 42(8).

SALE OF TRANSPORTERS

Leave of court required

- 1 (1) The sale of a transporter requires the leave of the court.
- (2) The court is not to give its leave except on proof—
- (a) that the penalty or charge is or was due;
 - (b) that the person liable to pay it or any connected expenses has failed to do so; and
 - (c) that the transporter which the Secretary of State seeks leave to sell is liable to sale.

Notice of proposed sale

- 2 Before applying for leave to sell a transporter, the Secretary of State must take such steps as may be prescribed—
- (a) for bringing the proposed sale to the notice of persons whose interests may be affected by a decision of the court to grant leave; and
 - (b) for affording to any such person an opportunity of becoming a party to the proceedings if the Secretary of State applies for leave.

Duty to obtain best price

- 3 If leave for sale is given, the Secretary of State must secure that the transporter is sold for the best price that can reasonably be obtained.

Effect of failure to comply with paragraph 2 or 3

- 4 Failure to comply with any requirement of paragraph 2 or 3 in respect of any sale—
- (a) is actionable against the Secretary of State at the suit of any person suffering loss in consequence of the sale; but
 - (b) after the sale has taken place, does not affect its validity.

Application of proceeds of sale

- 5 (1) Any proceeds of sale arising from a sale under section 37 or 42 must be applied—
- (a) in making prescribed payments; and
 - (b) in accordance with such provision as to priority of payments as may be prescribed.
- (2) The regulations may, in particular, provide for proceeds of sale to be applied in payment—

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- (a) of customs or excise duty,
 - (b) of value added tax,
 - (c) of expenses incurred by the Secretary of State,
 - (d) of any penalty or charge which the court has found to be due,
 - (e) in the case of the sale of an aircraft, of charges due as a result of regulations made under section 73 of the Civil Aviation Act 1982,
 - (f) of any surplus to or among the person or persons whose interests in the transporter have been divested as a result of the sale,
- but not necessarily in that order of priority.

SCHEDULE 2

Section 56(2).

THE IMMIGRATION APPEAL TRIBUNAL

Members

- 1 (1) The members of the Tribunal are to be appointed by the Lord Chancellor.
- (2) The Lord Chancellor may appoint such number of legally qualified members and of other members as he considers appropriate.
- (3) A person is legally qualified if—
 - (a) he has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) he is an advocate or solicitor in Scotland of at least 7 years' standing;
 - (c) he is a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years' standing; or
 - (d) he has such legal and other experience as appears to the Lord Chancellor to make him suited for appointment as a legally qualified member.

President and Deputy President

- 2 (1) The Lord Chancellor must appoint one legally qualified member to be President of the Tribunal and another such member to be Deputy President.
- (2) The Deputy President is to have such functions in relation to the Tribunal as the President may assign to him.
- (3) If the President is temporarily absent or otherwise unable to act, the Deputy President may act on his behalf.

Term of office

- 3 (1) Each member of the Tribunal—
 - (a) is to hold and vacate his office in accordance with the terms of his appointment;
 - (b) is, on ceasing to hold office, eligible for re-appointment;
 - (c) may resign his office at any time by giving written notice to the Lord Chancellor;
 - (d) must vacate his office on the day on which he reaches the age of 70.

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- (2) But sub-paragraph (1)(d) is subject to subsections (4) to (6) of section 26 of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).

Remuneration

- 4 The Lord Chancellor must pay to the members such remuneration and allowances as he may determine.

Compensation

- 5 If a person ceases to be a member and it appears to the Lord Chancellor that there are special circumstances which make it right that he should receive compensation, the Lord Chancellor may pay him a sum of such amount as the Lord Chancellor may determine.

Proceedings

- 6 (1) For the purpose of hearing and determining appeals under this Act or any matter preliminary or incidental to such an appeal, the Tribunal must sit at such times and in such place or places as the Lord Chancellor may direct.
- (2) The Tribunal may sit in two or more divisions.
- (3) The jurisdiction of the Tribunal may be exercised by such number of members as the President may direct.
- (4) A direction under sub-paragraph (3) may—
- (a) be given in relation to a specified case or category of case;
 - (b) provide for the jurisdiction to be exercised by a single member;
 - (c) require the member exercising the jurisdiction, or a specified number of the members exercising the jurisdiction, to be legally qualified;
 - (d) be varied at any time by a further direction given by the President.
- (5) “Specified” means specified in the direction.

Staff

- 7 (1) The Lord Chancellor may appoint such staff for the Tribunal as he may determine.
- (2) The remuneration of the Tribunal’s staff is to be defrayed by the Lord Chancellor.
- (3) Such expenses of the Tribunal as the Lord Chancellor may determine are to be defrayed by the Lord Chancellor.

SCHEDULE 3

Section 57(3).

ADJUDICATORS

Deputy Chief Adjudicator and Regional Adjudicators

- 1 (1) The Lord Chancellor may appoint one of the adjudicators as Deputy Chief Adjudicator.
- (2) The Lord Chancellor may appoint as Regional Adjudicators such number of the adjudicators as he may determine.
- (3) A person appointed under sub-paragraph (1) or (2) is to have such functions as the Chief Adjudicator may assign to him.
- (4) If the Chief Adjudicator is temporarily absent or otherwise unable to act, the Deputy Chief Adjudicator may act on his behalf.

Qualification for appointment

- 2 A person is qualified for appointment as an adjudicator only if—
- (a) he has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) he is an advocate or solicitor in Scotland of at least 7 years' standing;
 - (c) he is a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years' standing; or
 - (d) he has such legal and other experience as appears to the Lord Chancellor to make him suited for appointment as an adjudicator.

Term of office

- 3 (1) Each adjudicator—
- (a) is to hold and vacate his office in accordance with the terms of his appointment;
 - (b) is, on ceasing to hold office, eligible for re-appointment;
 - (c) may resign his office at any time by giving written notice to the Lord Chancellor;
 - (d) must vacate his office on the day on which he reaches the age of 70.
- (2) But sub-paragraph (1)(d) is subject to subsections (4) to (6) of section 26 of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).

Remuneration

- 4 The Lord Chancellor must pay to the adjudicators such remuneration and allowances as he may determine.

Compensation

- 5 If a person ceases to be an adjudicator and it appears to the Lord Chancellor that there are special circumstances which make it right that he should receive

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compensation, the Lord Chancellor may pay him a sum of such amount as the Lord Chancellor may determine.

Proceedings

- 6 (1) The adjudicators must sit at such times and at such places as the Lord Chancellor may direct.
- (2) The Chief Adjudicator—
- (a) must allocate duties among the adjudicators; and
 - (b) is to have such other functions as may be conferred on him by the Lord Chancellor.
- (3) The Chief Adjudicator may direct that, in a specified case or category of case, an appeal to an adjudicator is to be heard by such number of adjudicators as may be specified.
- (4) “Specified” means specified in the direction.

Staff

- 7 (1) The Lord Chancellor may appoint such staff for the adjudicators as he may determine.
- (2) The remuneration of the adjudicators' staff is to be defrayed by the Lord Chancellor.
- (3) Such expenses of the adjudicators as the Lord Chancellor may determine are to be defrayed by the Lord Chancellor.

SCHEDULE 4

Section 58(2) to (4).

APPEALS

PART I

PROCEDURE

Notice of appealable matters

- 1 (1) The Secretary of State may by regulations provide—
- (a) for written notice to be given to a person of any such decision or action taken in respect of him as is appealable under Part IV (whether or not in his particular case he is entitled to appeal) or would be so appealable but for the ground on which it was taken;
 - (b) for any such notice to include a statement of the reasons for the decision or action and, where the action is the giving of directions for the removal of the person from the United Kingdom, of the country to which he is to be removed;
 - (c) for any such notice to be accompanied by a statement containing particulars of the rights of appeal available under Part IV and of the procedure by which those rights may be exercised;

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- (d) for the form of any such notice or statement and the way in which a notice is to be, or may be, given.
- (2) For the purpose of any proceedings under Part IV, a statement included in a notice in accordance with the regulations is conclusive as to the person by whom and the ground on which any decision or action was taken.

Service of notices

- 2 If a notice given under regulations made under paragraph 1 is sent by first class post, addressed to the person to whom the notice is required to be given, it is to be taken to have been received by that person on the second day after the day on which it was posted unless the contrary is proved.

Lord Chancellor's rules of procedure

- 3 The Lord Chancellor may make rules—
- (a) for regulating the exercise of the rights of appeal conferred by Part IV;
 - (b) for prescribing the practice and procedure to be followed on or in connection with appeals under Part IV, including the mode and burden of proof and admissibility of evidence on such an appeal; and
 - (c) for other matters preliminary or incidental or arising out of such appeals, including proof of the decisions of the adjudicator or the Immigration Appeal Tribunal.
- 4 (1) The rules may include provision—
- (a) enabling appeals to be determined without a hearing;
 - (b) enabling an adjudicator or the Tribunal to allow or dismiss an appeal without considering its merits—
 - (i) if there has been a failure by one of the parties to comply with a provision of the rules or with a direction given under the rules: or
 - (ii) if one of the parties has failed to attend at a hearing;
 - (c) enabling or requiring an adjudicator or the Tribunal to treat an appeal as abandoned in specified circumstances;
 - (d) enabling the Tribunal, on an appeal from an adjudicator, to remit the appeal to an adjudicator for determination by him in accordance with any directions of the Tribunal, or for further evidence to be obtained with a view to determination by the Tribunal;
 - (e) as to the circumstances in which—
 - (i) a decision of an adjudicator may be set aside by an adjudicator; or
 - (ii) a decision of the Tribunal may be set aside by the Tribunal;
 - (f) conferring on adjudicators or the Tribunal such ancillary powers as the Lord Chancellor thinks necessary for the purposes of the exercise of their functions;
 - (g) as to the procedure to be followed on applications to the Tribunal for leave to appeal under paragraph 23.
- (2) The rules must provide that any appellant is to have the right to be legally represented at any hearing of his appeal.
- (3) Nothing in this paragraph affects the scope of the power conferred by paragraph 3.

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(4) In this Schedule “rules” means rules under this paragraph.

Practice directions

- 5 (1) The President of the Tribunal may give directions as to the practice and procedure to be followed by the Tribunal in relation to appeals and applications to it.
- (2) The Chief Adjudicator may give directions as to the practice and procedure to be followed by adjudicators in relation to appeals and applications to them.

Hearings in private

- 6 (1) Sub-paragraph (2) applies if, on an appeal under Part IV, it is alleged—
- (a) that a passport or other travel document, certificate of entitlement, entry clearance or work permit (or any part of it or entry in it) on which a party relies is a forgery, and
 - (b) that the disclosure to that party of any matters relating to the method of detection would be contrary to the public interest.
- (2) The adjudicator or Tribunal must arrange—
- (a) for the proceedings to take place in the absence of that party and his representatives while the allegation mentioned in sub-paragraph (1)(b) is inquired into by the adjudicator or Tribunal; and
 - (b) if it appears to the adjudicator or Tribunal that the allegation is made out, for such further period as appears necessary in order to ensure that those matters can be presented to the adjudicator or Tribunal without any disclosure being directly or indirectly made contrary to the public interest.

Leave to appeal

- 7 If, under the rules, leave to appeal to the Tribunal is required in cases in which an adjudicator dismisses an appeal under section 59, the authority having power to grant leave must grant it—
- (a) if the appeal was against a decision that the appellant required leave to enter the United Kingdom and the authority is satisfied that at the time of the decision he held a certificate of entitlement; and
 - (b) if the appeal was against a refusal of leave to enter and the authority is satisfied that—
 - (i) at the time of the refusal the appellant held an entry clearance; and
 - (ii) the dismissal of the appeal was not required by paragraph 24.

Offences

- 8 A person who is required under or in accordance with the rules to attend and give evidence or produce documents before an adjudicator or the Tribunal, and fails without reasonable excuse to comply with the requirement is guilty of an offence and liable on summary conviction to a fine not exceeding level three on the standard scale.

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Convention cases

- 9 (1) This paragraph applies to an appeal under Part IV of this Act by a person who claims that it would be contrary to the Convention for him to be removed from, or to be required to leave, the United Kingdom, if the Secretary of State has certified that, in his opinion, that claim is one to which—
- (a) sub-paragraph (3), (4), (5) or (6) applies; and
 - (b) sub-paragraph (7) does not apply.
- (2) If, on an appeal to which this paragraph applies, the adjudicator agrees that the claim is one to which this paragraph applies, paragraph 22 does not confer on the appellant any right to appeal to the Immigration Appeal Tribunal.
- (3) This sub-paragraph applies to a claim if, on his arrival in the United Kingdom, the appellant was required by an immigration officer to produce a valid passport and—
- (a) he failed to do so, without giving a reasonable explanation for his failure; or
 - (b) he produced an invalid passport and failed to inform the officer that it was not valid.
- (4) This sub-paragraph applies to a claim under the Refugee Convention if—
- (a) it does not show a fear of persecution by reason of the appellant’s race, religion, nationality, membership of a particular social group, or political opinion; or
 - (b) it shows a fear of such persecution, but the fear is manifestly unfounded or the circumstances which gave rise to the fear no longer subsist.
- (5) This sub-paragraph applies to a claim under the Human Rights Convention if—
- (a) it does not disclose a right under the Convention; or
 - (b) it does disclose a right under the Convention, but the claim is manifestly unfounded.
- (6) This sub-paragraph applies to a claim if—
- (a) it is made at any time after the appellant—
 - (i) has been refused leave to enter the United Kingdom under the 1971 Act;
 - (ii) has been recommended for deportation by a court empowered by that Act to do so;
 - (iii) has been notified of the Secretary of State’s decision to make a deportation order against him under section 5(1) of the 1971 Act as a result of his liability to deportation; or
 - (iv) has been notified of his liability to removal under paragraph 9 of Schedule 2 to that Act;
 - (b) it is manifestly fraudulent, or any of the evidence adduced in its support is manifestly false; or
 - (c) it is frivolous or vexatious.
- (7) This sub-paragraph applies to a claim if the evidence adduced in its support establishes a reasonable likelihood that the appellant has been tortured in the country to which he is to be sent.
- (8) “Contrary to the Convention” means contrary to the United Kingdom’s obligations under the Refugee Convention or the Human Rights Convention.

PART II

EFFECT OF APPEALS

Stay on directions for removal

- 10 If a person in the United Kingdom appeals under section 59 or 69(1) 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 while the appeal is pending.
- 11 If a person in the United Kingdom appeals under section 66, 67 or 69(5) against any directions given under—
- (a) section 10,
 - (b) Part I of Schedule 2 to the 1971 Act, or
 - (c) Schedule 3 to that Act,
- for his removal from the United Kingdom, those directions except in so far as they have already been carried out, are to have no effect while the appeal is pending.
- 12 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 59, 66, 67 or 69(1) or (5), 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.
- 13 In calculating the period of two months limited by paragraph 8(2) of Schedule 2 to the 1971 Act for—
- (a) the giving of directions under that paragraph for the removal of a person from the United Kingdom, and
 - (b) the giving of a notice of intention to give such directions,
- any period during which there is pending an appeal by him under section 59, 67 or 69(1) of this Act is to be disregarded.
- 14 For the purposes of paragraphs 10 to 12 (but not for purposes of paragraph 13), except in so far as those paragraphs apply to appeals under section 69, where an appeal to an adjudicator is dismissed, an appeal is not to be regarded as pending unless immediately after the dismissal—
- (a) the appellant gives notice of appeal against the determination of the adjudicator; or
 - (b) in a case in which leave to appeal against that determination is required and the adjudicator has power to grant leave, the appellant applies for and obtains the leave of the adjudicator.
- 15 If directions are given under Part I of Schedule 2 or Schedule 3 to the 1971 Act for a person'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 59, 63, 66, 67 or 69(1) or (5), the appeal is to have the same effect under paragraphs 10 to 14 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.

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Suspension of variation of limited leave

- 16 A variation is not to take effect while an appeal against the variation is pending under section 61 or 69(2).

Continuation of leave

- 17 (1) While an appeal under section 61 or 69(2) 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 61 or 69(2), in calculating whether, as a result of a decision, a person may be required to leave the United Kingdom within 28 days, a continuation of leave under this paragraph is to be disregarded.

Deportation orders

- 18 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 63(1)(a) or 69(4)(a) against the decision to make it is pending.
- 19 In calculating the period of 8 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 which an appeal under section 63(1)(a) or 69(4)(a) against the decision to make the order is pending.

Appeals under section 65

- 20 (1) A person is not to be required to leave, or be removed from, the United Kingdom if an appeal under section 65 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.

PART III

DETERMINATION OF APPEALS

Determination of appeals

- 21 (1) On an appeal to him under Part IV, an adjudicator must allow the appeal if he considers—
- (a) that the decision or action against which the appeal is brought was not in accordance with the law or with any immigration rules applicable to the case, or

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- (b) if the decision or action involved the exercise of a discretion by the Secretary of State or an officer, that the discretion should have been exercised differently,
but otherwise must dismiss the appeal.
- (2) Sub-paragraph (1) is subject to paragraph 24 and to any restriction on the grounds of appeal.
- (3) For the purposes of sub-paragraph (1), the adjudicator may review any determination of a question of fact on which the decision or action was based.
- (4) For the purposes of sub-paragraph (1)(b), no decision or action which is in accordance with the immigration rules is to be treated as having involved the exercise of a discretion by the Secretary of State by reason only of the fact that he has been requested by or on behalf of the appellant to depart, or to authorise an officer to depart, from the rules and has refused to do so.
- (5) If an appeal is allowed, the adjudicator—
 - (a) must give such directions for giving effect to the determination as he thinks are required; and
 - (b) may also make recommendations with respect to any other action which he considers should be taken in the case under any of the Immigration Acts.
- (6) The duty to comply with directions given under this paragraph is subject to paragraph 22.

Appeals to Immigration Appeal Tribunal

- 22 (1) Subject to any requirement of rules made under paragraph 3 as to leave to appeal, any party to an appeal, other than an appeal under section 71, to an adjudicator may, if dissatisfied with his determination, appeal to the Immigration Appeal Tribunal.
- (2) The Tribunal may affirm the determination or make any other determination which the adjudicator could have made.
- (3) Sub-paragraphs (4) to (6) apply if directions have been given by an adjudicator under paragraph 21.
- (4) The directions need not be complied with—
 - (a) so long as an appeal can be brought against his determination; and
 - (b) if such an appeal is duly brought, so long as the appeal is pending.
- (5) If the Tribunal affirm the adjudicator's determination allowing the appeal, they may alter or add to his directions and recommendations under paragraph 21 or replace them with their own directions and recommendations.
- (6) The provisions of paragraph 21 are to apply accordingly.
- (7) If an appeal is dismissed by an adjudicator but allowed by the Tribunal, paragraph 21 applies with the substitution of references to the Tribunal for references to the adjudicator.

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Appeals from Immigration Appeal Tribunal

- 23 (1) If the Immigration Appeal Tribunal has made a final determination of an appeal brought under Part IV, any party to the appeal may bring a further appeal to the appropriate appeal court on a question of law material to that determination.
- (2) An appeal under this section may be brought only with the leave of the Immigration Appeal Tribunal or, if such leave is refused, of the appropriate appeal court.
- (3) “Appropriate appeal court” means—
- (a) if the appeal is from the determination of an adjudicator made in Scotland, the Court of Session; and
 - (b) in any other case, the Court of Appeal.

Appeals which must be dismissed

- 24 (1) An appeal against a refusal of leave to enter the United Kingdom must be dismissed by the adjudicator if he is satisfied that the appellant was at the time of the refusal an illegal entrant.
- (2) An appeal against a refusal of an entry clearance must be dismissed by the adjudicator if he is satisfied that a deportation order was at the time of the refusal in force in respect of the appellant.
- (3) An appeal under section 66 against directions given as mentioned in subsection (1) (c) of that section must be dismissed by the adjudicator, even though the ground of appeal is made out, if he is satisfied that there was power to give the same directions on the ground that the appellant was an illegal entrant.

SCHEDULE 5

Section 83.

THE IMMIGRATION SERVICES COMMISSIONER

PART I

REGULATORY FUNCTIONS

The Commissioner’s rules

- 1 (1) The Commissioner may make rules regulating any aspect of the professional practice, conduct or discipline of—
- (a) registered persons, and
 - (b) those employed by, or working under the supervision of, registered persons, in connection with the provision of immigration advice or immigration services.
- (2) Before making or altering any rules, the Commissioner must consult such persons appearing to him to represent the views of persons engaged in the provision of immigration advice or immigration services as he considers appropriate.

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- (3) In determining whether a registered person is competent or otherwise fit to provide immigration advice or immigration services, the Commissioner may take into account any breach of the rules by—
- (a) that person; and
 - (b) any person employed by, or working under the supervision of, that person.
- (4) The rules may, among other things, make provision requiring the keeping of accounts or the obtaining of indemnity insurance.
- 2 (1) The Commissioner’s rules must be made or altered by an instrument in writing.
- (2) Such an instrument must specify that it is made under this Schedule.
- (3) Immediately after such an instrument is made, it must be printed and made available to the public.
- (4) The Commissioner may charge a reasonable fee for providing a person with a copy of the instrument.
- (5) A person is not to be taken to have contravened a rule made by the Commissioner if he shows that at the time of the alleged contravention the instrument containing the rule had not been made available in accordance with this paragraph.
- (6) The production of a printed copy of an instrument purporting to be made by the Commissioner on which is endorsed a certificate signed by an officer of the Commissioner authorised by him for that purpose and stating—
- (a) that the instrument was made by the Commissioner,
 - (b) that the copy is a true copy of the instrument, and
 - (c) that on a specified date the instrument was made available to the public in accordance with this paragraph,
- is evidence (or in Scotland sufficient evidence) of the facts stated in the certificate.
- (7) A certificate purporting to be signed as mentioned in sub-paragraph (6) is to be treated as having been properly signed unless the contrary is shown.
- (8) A person who wishes in any legal proceedings to rely on an instrument containing the Commissioner’s rules may require him to endorse a copy of the instrument with a certificate of the kind mentioned in sub-paragraph (6).

Code of Standards

- 3 (1) The Commissioner must prepare and issue a code setting standards of conduct which those to whom the code applies are expected to meet.
- (2) The code is to be known as the Code of Standards but is referred to in this Schedule as “the Code”.
- (3) The Code is to apply to any person providing immigration advice or immigration services other than—
- (a) a person who is authorised by a designated professional body to practise as a member of the profession whose members are regulated by that body;
 - (b) a person who works under the supervision of such a person; or
 - (c) a person mentioned in section 84(6).

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- (4) It is the duty of any person to whom the Code applies to comply with its provisions in providing immigration advice or immigration services.
- (5) If the Commissioner alters the Code, he must re-issue it.
- (6) Before issuing the Code or altering it, the Commissioner must consult—
 - (a) each of the designated professional bodies;
 - (b) the designated judges;
 - (c) the Lord President of the Court of Session;
 - (d) the Lord Chief Justice of Northern Ireland; and
 - (e) such other persons appearing to him to represent the views of persons engaged in the provision of immigration advice or immigration services as he considers appropriate.
- (7) The Commissioner must publish the Code in such form and manner as the Secretary of State may direct.

Extension of scope of the Code

- 4 (1) The Secretary of State may by order provide for the provisions of the Code, or such provisions of the Code as may be specified by the order, to apply to—
 - (a) persons authorised by any designated professional body to practise as a member of the profession whose members are regulated by that body; and
 - (b) persons working under the supervision of such persons.
- (2) If the Secretary of State is proposing to act under sub-paragraph (1) he must, before doing so, consult—
 - (a) the Commissioner;
 - (b) the Legal Services Ombudsman, if the proposed order would affect a designated professional body in England and Wales;
 - (c) the Scottish Legal Services Ombudsman, if the proposed order would affect a designated professional body in Scotland;
 - (d) the lay observers appointed under Article 42 of the Solicitors (Northern Ireland) Order 1976, if the proposed order would affect a designated professional body in Northern Ireland.
- (3) An order under sub-paragraph (1) requires the approval of—
 - (a) the Lord Chancellor, if it affects a designated professional body in England and Wales or Northern Ireland;
 - (b) the Scottish Ministers, if it affects a designated professional body in Scotland.
- (4) Before deciding whether or not to give his approval under sub-paragraph (3)(a), the Lord Chancellor must consult—
 - (a) the designated judges, if the order affects a designated professional body in England and Wales;
 - (b) the Lord Chief Justice of Northern Ireland, if it affects a designated professional body in Northern Ireland.
- (5) Before deciding whether or not to give their approval under sub-paragraph (3)(b), the Scottish Ministers must consult the Lord President of the Court of Session.

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Investigation of complaints

- 5 (1) The Commissioner must establish a scheme (“the complaints scheme”) for the investigation by him of relevant complaints made to him in accordance with the provisions of the scheme.
- (2) Before establishing the scheme or altering it, the Commissioner must consult—
- (a) each of the designated professional bodies; and
 - (b) such other persons appearing to him to represent the views of persons engaged in the provision of immigration advice or immigration services as he considers appropriate.
- (3) A complaint is a relevant complaint if it relates to—
- (a) the competence or fitness of a person to provide immigration advice or immigration services,
 - (b) the competence or fitness of a person employed by, or working under the supervision of, a person providing immigration advice or immigration services,
 - (c) an alleged breach of the Code,
 - (d) an alleged breach of one or more of the Commissioner’s rules by a person to whom they apply, or
 - (e) an alleged breach, by a person who falls within paragraph (c), (d), (e) or (f) of section 84(2), of one or more of the rules of the relevant regulatory body,
- but not if it relates to a person who is excluded from the application of subsection (1) of section 84 by subsection (6) of that section.
- (4) The Commissioner may, on his own initiative, investigate any matter which he would have power to investigate on a complaint made under the complaints scheme.
- (5) In investigating any such matter on his own initiative, the Commissioner must proceed as if his investigation were being conducted in response to a complaint made under the scheme.
- 6 (1) The complaints scheme must provide for a person who is the subject of an investigation under the scheme to be given a reasonable opportunity to make representations to the Commissioner.
- (2) Any person who is the subject of an investigation under the scheme must—
- (a) take such steps as are reasonably required to assist the Commissioner in his investigation; and
 - (b) comply with any reasonable requirement imposed on him by the Commissioner.
- (3) If a person fails to comply with sub-paragraph (2)(a) or with a requirement imposed under sub-paragraph (2)(b) the Commissioner may—
- (a) in the case of a registered person, cancel his registration;
 - (b) in the case of a person certified by the Commissioner as exempt under section 84(4)(a), withdraw his exemption; or
 - (c) in the case of a person falling within paragraph (c), (d), (e) or (f) of section 84(2), refer the matter to the relevant regulatory body.

Power to enter premises

- 7 (1) This paragraph applies if—

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

- (a) the Commissioner is investigating a complaint under the complaints scheme;
 - (b) the complaint falls within paragraph 5(3)(a), (b) or (d); and
 - (c) there are reasonable grounds for believing that particular premises are being used in connection with the provision of immigration advice or immigration services by a registered person.
- (2) The Commissioner, or a member of his staff authorised in writing by him, may enter the premises at reasonable hours.
- (3) Sub-paragraph (2) does not apply to premises to the extent to which they constitute a private residence.
- (4) A person exercising the power given by sub-paragraph (2) (“the investigating officer”) may—
- (a) take with him such equipment as appears to him to be necessary;
 - (b) require any person on the premises—
 - (i) to produce any document which he considers relates to any matter relevant to the investigation; and
 - (ii) if the document is produced, to provide an explanation of it;
 - (c) require any person to state, to the best of his knowledge and belief, where any such document is to be found;
 - (d) take copies of, or extracts from, any document which is produced;
 - (e) require any information which is held in a computer and is accessible from the premises and which the investigating officer considers relates to any matter relevant to the investigation, to be produced in a form—
 - (i) in which it can be taken away; and
 - (ii) in which it is visible and legible.
- (5) Instead of exercising the power under sub-paragraph (2), the Commissioner may require such person as he may determine (“his agent”) to make a report on the provision of immigration advice or immigration services from the premises.
- (6) If the Commissioner so determines, his agent may exercise the power conferred by sub-paragraph (2) as if he were a member of the Commissioner’s staff appropriately authorised.
- (7) If a registered person fails without reasonable excuse to allow access under sub-paragraph (2) or (6) to any premises under his occupation or control, the Commissioner may cancel his registration.
- (8) The Commissioner may also cancel the registration of a registered person who—
- (a) without reasonable excuse fails to comply with a requirement imposed on him under sub-paragraph (4);
 - (b) intentionally delays or obstructs any person exercising functions under this paragraph; or
 - (c) fails to take reasonable steps to prevent an employee of his from obstructing any person exercising such functions.

Determination of complaints

- 8 (1) On determining a complaint under the complaints scheme, the Commissioner must give his decision in a written statement.

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

- (2) The statement must include the Commissioner's reasons for his decision.
 - (3) A copy of the statement must be given by the Commissioner to—
 - (a) the person who made the complaint; and
 - (b) the person who is the subject of the complaint.
- 9
- (1) On determining a complaint under the complaints scheme, the Commissioner may—
 - (a) if the person to whom the complaint relates is a registered person or a person employed by, or working under the supervision of, a registered person, record the complaint and the decision on it for consideration when that registered person next applies for his registration to be continued;
 - (b) if the person to whom the complaint relates is a registered person or a person employed by, or working under the supervision of, a registered person and the Commissioner considers the matter sufficiently serious to require immediate action, require that registered person to apply for continued registration without delay;
 - (c) if the person to whom the complaint relates falls within paragraph (c), (d), (e) or (f) of section 84(2), refer the complaint and his decision on it to the relevant regulatory body;
 - (d) if the person to whom the complaint relates is certified by the Commissioner as exempt under section 84(4)(a) or is employed by, or working under the supervision of, such a person, consider whether to withdraw that person's exemption;
 - (e) lay before the Tribunal a disciplinary charge against a relevant person.
 - (2) Sub-paragraph (3) applies if—
 - (a) the Tribunal is considering a disciplinary charge against a relevant person; and
 - (b) the Commissioner asks it to exercise its powers under that sub-paragraph.
 - (3) The Tribunal may give directions (which are to have effect while it is dealing with the charge)—
 - (a) imposing such restrictions in connection with the provision—
 - (i) by the relevant person, or
 - (ii) by any person employed by him or working under his supervision, of immigration advice or immigration services as the directions may specify; or
 - (b) prohibiting him, or any person employed by him or working under his supervision, from providing immigration advice or immigration services.
 - (4) "Relevant person" means a person providing immigration advice or immigration services who is—
 - (a) a registered person;
 - (b) a person employed by, or working under the supervision of, a registered person;
 - (c) a member or employee of a body which is a registered person;
 - (d) a person working under the supervision of a member or employee of such a body;
 - (e) a person certified by the Commissioner as exempt under section 84(4)(a);
 - (f) a person to whom section 84(4)(d) applies; or

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

- (g) a person employed by, or working under the supervision of, a person to whom paragraph (e) or (f) applies.

Complaints referred to designated professional bodies

- 10 (1) This paragraph applies if the Commissioner refers a complaint to a designated professional body under paragraph 9(1)(c).
- (2) The Commissioner may give directions setting a timetable to be followed by the designated professional body—
- (a) in considering the complaint; and
 - (b) if appropriate, in taking disciplinary proceedings in connection with the complaint.
- (3) In making his annual report to the Secretary of State under paragraph 21, the Commissioner must take into account any failure of a designated professional body to comply (whether wholly or in part) with directions given to it under this paragraph.
- (4) Sub-paragraph (5) applies if the Commissioner or the Secretary of State considers that a designated professional body has persistently failed to comply with directions given to it under this paragraph.
- (5) The Commissioner must take the failure into account in determining whether to make a report under section 86(9)(b) and the Secretary of State must take it into account in determining whether to make an order under section 86(2).

PART II

COMMISSIONER'S STATUS, REMUNERATION AND STAFF ETC

Status

- 11 (1) The Commissioner is to be a corporation sole.
- (2) The Commissioner and the members of the Commissioner's staff are not to be regarded as the servants or agents of the Crown or as having any status, privilege or immunity of the Crown.

Period of office

- 12 (1) The Commissioner—
- (a) is to hold office for a term of five years; but
 - (b) may resign at any time by notice in writing given to the Secretary of State.
- (2) The Secretary of State may dismiss the Commissioner—
- (a) on the ground of incapacity or misconduct; or
 - (b) if he is satisfied—
 - (i) that he has been convicted of a criminal offence; or
 - (ii) that a bankruptcy order has been made against him, or his estate has been sequestrated, or he has made a composition or arrangement with, or granted a trust deed for, his creditors.
- (3) The Commissioner is eligible for re-appointment when his term of office ends.

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

Terms and conditions of appointment

- 13 Subject to the provisions of this Schedule, the Commissioner is to hold office on such terms and conditions as the Secretary of State may determine.

Remuneration, expenses and pensions

- 14 (1) There is to be paid to the Commissioner such remuneration and expenses as the Secretary of State may determine.
- (2) The Secretary of State may pay, or provide for the payment of, such pensions, allowances or gratuities to or in respect of the Commissioner as he may determine.

Compensation

- 15 If a person ceases to be the Commissioner, otherwise than when his term of office ends, and it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation, the Secretary of State may make a payment to him of such amount as the Secretary of State may determine.

Deputy Commissioner

- 16 (1) The Secretary of State must appoint a person to act as Deputy Commissioner.
- (2) During any vacancy in the office of Commissioner, or at any time when he is unable to discharge his functions, the Deputy Commissioner may act in his place.
- (3) Paragraphs 11(2) and 12 to 15 apply to the Deputy Commissioner as they apply to the Commissioner.

Staff

- 17 (1) Subject to obtaining the approval of the Secretary of State as to numbers and terms and conditions of service, the Commissioner may appoint such staff as he considers appropriate.
- (2) Subject to obtaining the approval of the Secretary of State, the Commissioner may pay, or provide for the payment of, such pensions, allowances or gratuities (including by way of compensation for loss of office or employment) to or in respect of his staff as he considers appropriate.
- (3) Any functions of the Commissioner may, to the extent authorised by him, be performed by the Deputy Commissioner or any of his staff.
- (4) The Employers' Liability (Compulsory Insurance) Act 1969 is not to require insurance to be effected by the Commissioner.

Expenditure

- 18 The Secretary of State may pay to the Commissioner—
- (a) any expenses incurred or to be incurred by the Commissioner in respect of his staff; and
- (b) with the approval of the Treasury, such other sums for enabling the Commissioner to perform his functions as the Secretary of State thinks fit.

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

Receipts

- 19 (1) Subject to any general or specific directions given to him by the Secretary of State, sums received by the Commissioner in the exercise of his functions must be paid to the Secretary of State.
- (2) Sums received by the Secretary of State under this paragraph must be paid into the Consolidated Fund.
- (3) The approval of the Treasury is required for any direction given under this paragraph.

Accounts and records

- 20 (1) The Commissioner must—
- (a) keep proper accounts and proper records in relation to his accounts;
 - (b) prepare a statement of accounts for each financial year; and
 - (c) send copies of the statement to the Secretary of State and to the Comptroller and Auditor General on or before the specified date.
- (2) The statement of accounts must be in such form as the Secretary of State may, with the approval of the Treasury, direct.
- (3) The Comptroller and Auditor General must—
- (a) examine, certify and report on each statement received by him under this paragraph; and
 - (b) lay copies of each statement and of his report before each House of Parliament.
- (4) “Financial year” means the period of 12 months beginning with 1st April.
- (5) “Specified date” means—
- (a) 31st August next following the end of the year to which the statement relates; or
 - (b) such earlier date after the end of that year as the Treasury may direct.

Annual report

- 21 (1) The Commissioner must, as soon as is practicable after the end of each financial year, report to the Secretary of State on the performance of his functions in that year.
- (2) The report must, in particular, set out the Commissioner’s opinion as to the extent to which each designated professional body has provided effective regulation of its members in their provision of immigration advice or immigration services.
- (3) The Secretary of State must lay a copy of the report before each House of Parliament.
- (4) “Financial year” has the same meaning as in paragraph 20.

Proof of instruments

- 22 A document purporting to be an instrument issued by the Commissioner and to be signed by or on behalf of the Commissioner is to be received in evidence and treated as such an instrument unless the contrary is shown.

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

Disqualification for House of Commons

- 23 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership), insert at the appropriate place—

“The Immigration Services Commissioner
The Deputy Immigration Services Commissioner”.

Disqualification for Northern Ireland Assembly

- 24 In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (offices disqualifying for membership), insert at the appropriate place—

“The Immigration Services Commissioner
The Deputy Immigration Services Commissioner”.

The Parliamentary Commissioner Act 1967 (c. 13)

- 25 In Schedule 2 of the Parliamentary Commissioner Act 1967 (departments and authorities subject to investigation) insert, at the appropriate place, “The Immigration Services Commissioner”.

SCHEDULE 6

Section 85(3).

REGISTRATION

Applications for registration

- 1 (1) An application for registration under section 84(2)(a) or (b) must—
(a) be made to the Commissioner in such form and manner, and
(b) be accompanied by such information and supporting evidence,
as the Commissioner may from time to time determine.
- (2) When considering an application for registration, the Commissioner may require the applicant to provide him with such further information or supporting evidence as the Commissioner may reasonably require.

Registration

- 2 (1) If the Commissioner considers that an applicant for registration is competent and otherwise fit to provide immigration advice and immigration services, he must register the applicant.
- (2) Registration may be made so as to have effect—
(a) only in relation to a specified field of advice or services;
(b) only in relation to the provision of advice or services to a specified category of person;
(c) only in relation to the provision of advice or services to a member of a specified category of person; or
(d) only in specified circumstances.

Review of qualifications

- 3 (1) At such intervals as the Commissioner may determine, each registered person must submit an application for his registration to be continued.
- (2) Different intervals may be fixed by the Commissioner in relation to different registered persons or descriptions of registered person.
- (3) An application for continued registration must—
- (a) be made to the Commissioner in such form and manner, and
 - (b) be accompanied by such information and supporting evidence, as the Commissioner may from time to time determine.
- (4) When considering an application for continued registration, the Commissioner may require the applicant to provide him with such further information or supporting evidence as the Commissioner may reasonably require.
- (5) If the Commissioner considers that an applicant for continued registration is no longer competent or is otherwise unfit to provide immigration advice or immigration services, he must cancel the applicant's registration.
- (6) Otherwise, the Commissioner must continue the applicant's registration but may, in doing so, vary the registration—
- (a) so as to make it have limited effect in any of the ways mentioned in paragraph 2(2); or
 - (b) so as to make it have full effect.
- (7) If a registered person fails, without reasonable excuse—
- (a) to make an application for continued registration as required by sub-paragraph (1) or by a direction given by the Tribunal under section 89(3)(b), or
 - (b) to provide further information or evidence under sub-paragraph (4),
- the Commissioner may cancel the person's registration as from such date as he may determine.

Disqualification of certain persons

- 4 A person convicted of an offence under section 25 or 26(1)(d) or (g) of the 1971 Act is disqualified for registration under paragraph 2 or for continued registration under paragraph 3.

Fees

- 5 (1) The Secretary of State may by order specify fees for the registration or continued registration of persons on the register.
- (2) No application under paragraph 1 or 3 is to be entertained by the Commissioner unless it is accompanied by the specified fee.

Open registers

- 6 (1) The register must be made available for inspection by members of the public in a legible form at reasonable hours.

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

- (2) A copy of the register or of any entry in the register must be provided—
 - (a) on payment of a reasonable fee;
 - (b) in written or electronic form; and
 - (c) in a legible form.
- (3) Sub-paragraphs (1) and (2) also apply to—
 - (a) the record kept by the Commissioner of the persons to whom he has issued a certificate of exemption under section 84(4)(a); and
 - (b) the record kept by the Commissioner of the persons against whom there is in force a direction given by the Tribunal under section 89(8).

SCHEDULE 7

Section 87(5).

THE IMMIGRATION SERVICES TRIBUNAL

Members

- 1 (1) The Tribunal is to consist of such number of members as the Lord Chancellor may determine.
- (2) The members are to be appointed by the Lord Chancellor.
- (3) A person may be appointed as a member only if—
 - (a) he is legally qualified; or
 - (b) he appears to the Lord Chancellor to have had substantial experience in immigration services or in the law and procedure relating to immigration.

The President

- 2 The Tribunal is to have a President appointed by the Lord Chancellor from among those of its members who are legally qualified.

Terms and conditions of appointment

- 3 (1) Each member is to hold and vacate office in accordance with the terms of his appointment.
- (2) A member is eligible for re-appointment when his term of office ends.
- (3) A member may resign at any time by notice in writing given to the Lord Chancellor.
- (4) The Lord Chancellor may dismiss a member on the ground of incapacity or misconduct.

Remuneration and expenses

- 4 The Lord Chancellor may pay to any member such remuneration and expenses as he may determine.

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

Proceedings

- 5 The Tribunal is to sit at such times and in such places as the Lord Chancellor may direct.
- 6 (1) The Commissioner is entitled to be represented before the Tribunal, in relation to the hearing of appeals or disciplinary charges, by such persons as he may authorise.
- (2) The Commissioner may authorise a person to represent him before the Tribunal in relation to—
- (a) specified proceedings; or
- (b) all or specified categories of proceedings.
- (3) “Specified” means specified by the Commissioner.

Rules of procedure

- 7 (1) The Lord Chancellor may make rules as to the procedure and practice to be followed in relation to the exercise of the Tribunal’s functions.
- (2) Before making or altering any such rules, the Lord Chancellor must consult the Scottish Ministers.
- (3) Subject to the provisions of this Schedule and the rules, the Tribunal may determine its own procedure.
- (4) The rules must make provision for any person appealing to the Tribunal or otherwise subject to its jurisdiction to be entitled to be legally represented.
- (5) The rules may, in particular, make provision—
- (a) as to the mode and burden of proof and the giving and admissibility of evidence;
- (b) for proceedings before the Tribunal to be capable of being determined in the absence of any party to the proceedings if that party has failed, without reasonable excuse, to appear before the Tribunal or has failed to comply with any reasonable directions given by the Tribunal as to the conduct of the proceedings;
- (c) with respect to other matters preliminary or incidental to, or arising out of, any matter with respect to which the Tribunal is or may be exercising functions;
- (d) as to the period within which an appeal against a decision of the Commissioner can be brought;
- (e) authorising such functions of the Tribunal as may be specified in the rules to be exercised by a single member.

Suspending the effect of a relevant decision

- 8 (1) A relevant decision of the Commissioner is not to have effect while the period within which an appeal may be brought against the decision is running.
- (2) If the appellant applies to the Tribunal under this paragraph, the Tribunal may direct that while the appeal is being dealt with—
- (a) no effect is to be given to the decision appealed against; or
- (b) only such limited effect is to be given to it as may be specified in the direction.

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

- (3) Rules under paragraph 7 must include provision requiring the Tribunal to consider applications by the Commissioner for the cancellation or variation of directions given under this paragraph.

Staff

- 9 (1) The Lord Chancellor may appoint such staff for the Tribunal as he considers appropriate.
- (2) The Lord Chancellor may pay, or provide for the payment of, such pensions, allowances or gratuities (including by way of compensation for loss of office or employment) to or in respect of the Tribunal’s staff as he considers appropriate.

Expenditure

- 10 The Lord Chancellor may pay such other expenses of the Tribunal as he considers appropriate.

Meaning of “legally qualified”

- 11 A person is legally qualified for the purposes of this Schedule if—
- (a) he has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) he is an advocate or solicitor in Scotland of at least 7 years' standing; or
 - (c) he is a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years' standing.

Disqualification for House of Commons

- 12 In Part I of Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership), insert at the appropriate place—
“Member of the Immigration Services Tribunal”.

Disqualification for Northern Ireland Assembly

- 13 In Part I of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (offices disqualifying for membership), insert at the appropriate place—
“Member of the Immigration Services Tribunal”.

SCHEDULE 8

Section 95(12).

PROVISION OF SUPPORT: REGULATIONS

General regulation-making power

- 1 The Secretary of State may by regulations make such further provision with respect to the powers conferred on him by section 95 as he considers appropriate.

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

Determining whether a person is destitute

- 2 (1) The regulations may provide, in connection with determining whether a person is destitute, for the Secretary of State to take into account, except in such circumstances (if any) as may be prescribed—
- (a) income which the person concerned, or any dependant of his, has or might reasonably be expected to have, and
 - (b) support which is, or assets of a prescribed kind which are, or might reasonably be expected to be, available to him or to any dependant of his, otherwise than by way of support provided under section 95.
- (2) The regulations may provide that in such circumstances (if any) as may be prescribed, a person is not to be treated as destitute for the purposes of section 95.

Prescribed levels of support

- 3 The regulations may make provision—
- (a) as to the circumstances in which the Secretary of State may, as a general rule, be expected to provide support in accordance with prescribed levels or of a prescribed kind;
 - (b) as to the circumstances in which the Secretary of State may, as a general rule, be expected to provide support otherwise than in accordance with the prescribed levels.

Provision of items and services

- 4 The regulations may make provision for prescribed items or services to be provided or made available to persons receiving support under section 95 for such purposes and in such circumstances as may be prescribed.

Support and assets to be taken into account

- 5 The regulations may make provision requiring the Secretary of State, except in such circumstances (if any) as may be prescribed, to take into account, when deciding the level or kind of support to be provided—
- (a) income which the person concerned, or any dependant of his, has or might reasonably be expected to have, and
 - (b) support which is, or assets of a prescribed kind which are, or might reasonably be expected to be, available to him or to any dependant of his, otherwise than by way of support provided under section 95.

Valuation of assets

- 6 The regulations may make provision as to the valuation of assets.

Breach of conditions

- 7 The regulations may make provision for the Secretary of State to take into account, when deciding—
- (a) whether to provide, or to continue to provide, support under section 95, or
 - (b) the level or kind of support to be provided,

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the extent to which any condition on which support is being, or has previously been, provided has been complied with.

Suspension or discontinuation of support

- 8 (1) The regulations may make provision for the suspension or discontinuance of support under section 95 in prescribed circumstances (including circumstances in which the Secretary of State would otherwise be under a duty to provide support).
- (2) The circumstances which may be prescribed include the cessation of residence—
- (a) in accommodation provided under section 95; or
 - (b) at an address notified to the Secretary of State in accordance with the regulations.

Notice to quit

- 9 (1) The regulations may provide that if—
- (a) as a result of support provided under section 95, a person has a tenancy or a licence to occupy accommodation,
 - (b) one or more of the conditions mentioned in sub-paragraph (2) are satisfied, and
 - (c) he is given such notice to quit as may be prescribed by the regulations,
- his tenancy or licence is to be treated as ending with the period specified in that notice, regardless of when it could otherwise be brought to an end.
- (2) The conditions are that—
- (a) the support provided under section 95 is suspended or discontinued as a result of any provision of a kind mentioned in paragraph 8;
 - (b) the relevant claim for asylum has been determined;
 - (c) the supported person has ceased to be destitute;
 - (d) he is to be moved to other accommodation.

Contributions to support

- 10 The regulations may make provision requiring a supported person to make payments to the Secretary of State, in prescribed circumstances, by way of contributions to the cost of the provision of that support.

Recovery of sums by Secretary of State

- 11 (1) The regulations may provide for the recovery by the Secretary of State of sums representing the whole or part of the monetary value of support provided to a person under section 95 where it appears to the Secretary of State—
- (a) that that person had, at the time when he applied for support, assets of any kind in the United Kingdom or elsewhere which were not capable of being realised; but
 - (b) that those assets have subsequently become, and remain, capable of being realised.
- (2) An amount recoverable under regulations made by virtue of sub-paragraph (1) may be recovered—

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- (a) as if it were a debt due to the Secretary of State; or
- (b) by such other method of recovery, including by deduction from support provided under section 95 as may be prescribed.

Procedure

- 12 The regulations may make provision with respect to procedural requirements including, in particular, provision as to—
- (a) the procedure to be followed in making an application for support;
 - (b) the information which must be provided by the applicant;
 - (c) the circumstances in which an application may not be entertained;
 - (d) the making of further enquiries by the Secretary of State;
 - (e) the circumstances in which, and person by whom, a change of circumstances of a prescribed description must be notified to the Secretary of State.

SCHEDULE 9

Section 95(13).

ASYLUM SUPPORT: INTERIM PROVISIONS

- 1 (1) The Secretary of State may by regulations make provision requiring prescribed local authorities or local authorities falling within a prescribed description of authority to provide support, during the interim period, to eligible persons.
- (2) “Eligible persons” means—
- (a) asylum-seekers, or
 - (b) their dependants,
- who appear to be destitute or to be likely to become destitute within such period as may be prescribed.
- (3) For the purposes of sub-paragraph (1), in Northern Ireland, a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972 is to be treated as a local authority.
- 2 (1) The regulations must provide for the question whether a person is an eligible person to be determined by the local authority concerned.
- (2) The regulations may make provision for support to be provided, before the determination of that question, to a person making a claim for support under the regulations by the Secretary of State or such local authority as may be prescribed.
- (3) “The local authority concerned” has such meaning as may be prescribed.
- 3 Subsections (3) to (8) of section 95 apply for the purposes of the regulations as they apply for the purposes of that section, but for the references in subsections (5) and (7) to the Secretary of State substitute references to the local authority concerned.
- 4 The regulations may prescribe circumstances in which support for an eligible person—
- (a) must be provided;
 - (b) must or may be refused; or
 - (c) must or may be suspended or discontinued.

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

- 5 The regulations may provide that support—
- (a) is to be provided in prescribed ways;
 - (b) is not to be provided in prescribed ways.
- 6 The regulations may include provision—
- (a) as to the level of support that is to be provided;
 - (b) for support to be provided subject to conditions;
 - (c) requiring any such conditions to be set out in writing;
 - (d) requiring a copy of any such conditions to be given to such person as may be prescribed.
- 7 The regulations may make provision that, in providing support, a local authority—
- (a) are to have regard to such matters as may be prescribed;
 - (b) are not to have regard to such matters as may be prescribed.
- 8 The regulations may include provision—
- (a) prescribing particular areas, or descriptions of area, (which may include a locality within their own area) in which a local authority may not place asylum-seekers while providing support for them;
 - (b) prescribing circumstances in which a particular area, or description of area, (which may include a locality within their own area) is to be one in which a local authority may not place asylum-seekers while providing support for them;
 - (c) as to the circumstances (if any) in which any such provision is not to apply.
- 9 (1) The regulations may make provision for the referral by one local authority to another of a claim for support made under the regulations if the local authority to whom the claim is made consider that it is not manifestly unfounded but—
- (a) they are providing support for a number of asylum-seekers equal to, or greater than, the maximum number of asylum-seekers applicable to them; or
 - (b) they are providing support for a number of eligible persons equal to, or greater than, the maximum number of eligible persons applicable to them.
- (2) For the purposes of any provision made as a result of sub-paragraph (1), the regulations may make provision for the determination by the Secretary of State of—
- (a) the applicable maximum number of asylum-seekers;
 - (b) the applicable maximum number of eligible persons.
- (3) The regulations may make provision for any such determination to be made—
- (a) for local authorities generally;
 - (b) for prescribed descriptions of local authority; or
 - (c) for particular local authorities.
- (4) The regulations may provide that a referral may not be made—
- (a) to a prescribed local authority;
 - (b) to local authorities of a prescribed description; or
 - (c) in prescribed circumstances.
- (5) The regulations may make provision for the payment by a local authority of any reasonable travel or subsistence expenses incurred as a result of a referral made by them.

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

- (6) The regulations may make provision for the transfer of a claim for support, or responsibility for providing support, under the regulations from one local authority to another on such terms as may be agreed between them.
- (7) In exercising any power under the regulations to refer or transfer, a local authority must have regard to such guidance as may be issued by the Secretary of State with respect to the exercise of the power.
- 10 (1) The regulations may make provision for the referral of claims for support made to the Secretary of State to prescribed local authorities or local authorities of a prescribed description.
- (2) The regulations may make provision for the payment by the Secretary of State of any reasonable travel or subsistence expenses incurred as a result of a referral made by him as a result of provision made by virtue of sub-paragraph (1).
- 11 The regulations may make provision requiring prescribed local authorities or other prescribed bodies to give reasonable assistance to local authorities providing support under the regulations.
- 12 The regulations may make provision for the procedure for making and determining claims for support.
- 13 The regulations may make provision for an asylum-seeker or a dependant of an asylum-seeker who has received, or is receiving, any prescribed description of support from a local authority to be taken to have been accepted for support under the regulations by a prescribed local authority.
- 14 A person entitled to support under the regulations is not entitled to any prescribed description of support, except to such extent (if any) as may be prescribed.
- 15 “The interim period” means the period—
- (a) beginning on such day as may be prescribed for the purposes of this paragraph; and
 - (b) ending on such day as may be so prescribed.

SCHEDULE 10

Section 102(3).

ASYLUM SUPPORT ADJUDICATORS

Adjudicators

- 1 (1) The Secretary of State must—
- (a) appoint such number of adjudicators as he considers necessary;
 - (b) appoint one of the adjudicators to be the Chief Asylum Support Adjudicator; and
 - (c) appoint one of the adjudicators to be the Deputy Chief Asylum Support Adjudicator (“the Deputy”).
- (2) The adjudicators are to exercise their functions under the direction of the Chief Asylum Support Adjudicator.
- (3) The Chief Asylum Support Adjudicator is to have such other functions as the Secretary of State may from time to time direct.

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

- (4) During any vacancy in the office of Chief Asylum Support Adjudicator, or at any time when he is unable to discharge his functions, the Deputy may act in his place.

Terms and conditions of appointment

- 2 (1) Each adjudicator is to hold and vacate office in accordance with the terms of his appointment.
- (2) An adjudicator is eligible for re-appointment when his term of office ends.
- (3) An adjudicator may resign at any time by notice in writing given to the Secretary of State.

Remuneration, expenses and pensions

- 3 (1) The Secretary of State may pay to any adjudicator such remuneration and expenses as he may determine.
- (2) The Secretary of State may pay, or provide for the payment of, such pensions, allowances or gratuities to or in respect of any adjudicator as he may determine.

Compensation

- 4 If a person ceases to be an adjudicator, otherwise than when his term of office ends, and it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation, the Secretary of State may make a payment to him of such amount as the Secretary of State may determine.

Staff

- 5 (1) The Secretary of State may appoint such staff for the adjudicators as he considers appropriate.
- (2) The Secretary of State may pay, or provide for the payment of, such pensions, allowances or gratuities (including by way of compensation for loss of office or employment) to or in respect of the adjudicators' staff as he considers appropriate.

Expenditure

- 6 The Secretary of State may pay such other expenses of the adjudicators as he considers appropriate.

Proceedings

- 7 For the purpose of discharging their functions, adjudicators are to sit at such times and in such places as the Secretary of State may direct.

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

SCHEDULE 11

Section 154(7).

DETAINEE CUSTODY OFFICERS

Obtaining certificates of authorisation by false pretences

- 1 A person who, for the purpose of obtaining a certificate of authorisation for himself or for any other person—
- (a) makes a statement which he knows to be false in a material particular, or
 - (b) recklessly makes a statement which is false in a material particular,
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Powers and duties of detainee custody officers

- 2 (1) A detainee custody officer exercising custodial functions has power—
- (a) to search (in accordance with rules made by the Secretary of State) any detained person in relation to whom the officer is exercising custodial functions; and
 - (b) to search any other person who is in, or is seeking to enter, any place where any such detained person is or is to be held, and any article in the possession of such a person.
- (2) The power conferred by sub-paragraph (1)(b) does not authorise requiring a person to remove any of his clothing other than an outer coat, jacket or glove.
- (3) As respects a detained person in relation to whom he is exercising custodial functions, it is the duty of a detainee custody officer—
- (a) to prevent that person's escape from lawful custody;
 - (b) to prevent, or detect and report on, the commission or attempted commission by him of other unlawful acts;
 - (c) to ensure good order and discipline on his part; and
 - (d) to attend to his wellbeing.
- (4) The powers conferred by sub-paragraph (1), and the powers arising by virtue of sub-paragraph (3), include power to use reasonable force where necessary.

Short-term holding facilities

- 3 (1) A detainee custody officer may perform functions of a custodial nature at a short-term holding facility (whether or not he is authorised to perform custodial functions at a detention centre).
- (2) When doing so, he is to have the same powers and duties in relation to the facility and persons detained there as he would have if the facility were a detention centre.

Assaulting a detainee custody officer

- 4 A person who assaults a detainee custody officer who is—
- (a) acting in accordance with escort arrangements,
 - (b) performing custodial functions, or
 - (c) performing functions of a custodial nature at a short-term holding facility,

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is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months or to both.

Obstructing detainee custody officers

- 5 A person who resists or wilfully obstructs a detainee custody officer who is—
- (a) acting in accordance with escort arrangements,
 - (b) performing custodial functions, or
 - (c) performing functions of a custodial nature at a short-term holding facility,
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Uniforms and badges

- 6 For the purposes of paragraphs 4 and 5, a detainee custody officer is not to be regarded as acting in accordance with escort arrangements at any time when he is not readily identifiable as such an officer (whether by means of a uniform or badge which he is wearing or otherwise).

Suspension and revocation of certificates of authorisation

- 7 (1) If it appears to the Secretary of State that a detainee custody officer is not a fit and proper person to perform escort functions or custodial functions, he may revoke that officer's certificate so far as it authorises the performance of those functions.
- (2) If it appears to the escort monitor that a detainee custody officer is not a fit and proper person to perform escort functions, he may—
- (a) refer the matter to the Secretary of State; or
 - (b) in such circumstances as may be prescribed, suspend the officer's certificate pending a decision by the Secretary of State as to whether to revoke it.
- (3) If it appears to the contract monitor for the detention centre concerned that a detainee custody officer is not a fit and proper person to perform custodial functions, he may—
- (a) refer the matter to the Secretary of State; or
 - (b) in such circumstances as may be prescribed, suspend the officer's certificate pending a decision by the Secretary of State as to whether to revoke it.

SCHEDULE 12

Section 155(2).

DISCIPLINE ETC AT DETENTION CENTRES

Measuring and photographing detained persons

- 1 (1) Detention centre rules may (among other things) provide for detained persons to be measured and photographed.
- (2) The rules may, in particular, prescribe—
- (a) the time or times at which detained persons are to be measured and photographed;

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

- (b) the manner and dress in which they are to be measured and photographed; and
- (c) the numbers of copies of measurements or photographs that are to be made and the persons to whom they are to be sent.

Testing for drugs or alcohol

- 2 (1) If an authorisation is in force, a detainee custody officer may, at the centre to which the authorisation applies and in accordance with detention centre rules, require a detained person who is confined in the centre to provide a sample for the purpose of ascertaining—
- (a) whether he has a drug in his body; or
 - (b) whether he has alcohol in his body.
- (2) The sample required may be one or more of the following—
- (a) a sample of urine;
 - (b) a sample of breath;
 - (c) a sample of a specified description.
- (3) Sub-paragraph (2)(c)—
- (a) applies only if the authorisation so provides; and
 - (b) does not authorise the taking of an intimate sample.
- (4) “Authorisation” means an authorisation given by the Secretary of State for the purposes of this paragraph in respect of a particular detention centre.
- (5) “Drug” means a drug which is a controlled drug for the purposes of the Misuse of Drugs Act 1971.
- (6) “Specified” means specified in the authorisation.
- (7) “Intimate sample”—
- (a) in relation to England and Wales, has the same meaning as in Part V of the Police and Criminal Evidence Act 1984;
 - (b) in relation to Scotland, means—
 - (i) a sample of blood, semen or any other tissue fluid, urine or pubic hair;
 - (ii) a dental impression;
 - (iii) a swab taken from a person’s body orifice other than the mouth; and
 - (c) in relation to Northern Ireland, has the same meaning as in Part VI of the Police and Criminal Evidence (Northern Ireland) Order 1989.

Medical examinations

- 3 (1) This paragraph applies if—
- (a) an authorisation is in force for a detention centre; and
 - (b) there are reasonable grounds for believing that a person detained in the centre is suffering from a disease which is specified in an order in force under sub-paragraph (7).
- (2) A detainee custody officer may require the detained person to submit to a medical examination at the centre.

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- (3) The medical examination must be conducted in accordance with detention centre rules.
- (4) A detained person who fails, without reasonable excuse, to submit to a medical examination required under this paragraph is guilty of an offence.
- (5) A person guilty of an offence under sub-paragraph (4) is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale.
- (6) “Authorisation” means an authorisation given by the manager of the detention centre for the purpose of this paragraph.
- (7) The Secretary of State may by order specify any disease which he considers might, if a person detained in a detention centre were to suffer from it, endanger the health of others there.

Assisting detained persons to escape

- 4 (1) A person who aids any detained person in escaping or attempting to escape from a detention centre or short-term holding facility is guilty of an offence.
- (2) A person who, with intent to facilitate the escape of any detained person from a detention centre or short-term holding facility—
 - (a) conveys any thing into the centre or facility or to a detained person,
 - (b) sends any thing (by post or otherwise) into the centre or facility or to a person detained there,
 - (c) places any thing anywhere outside the centre or facility with a view to its coming into the possession of a person detained there,is guilty of an offence.
- (3) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

Alcohol

- 5 (1) A person who, contrary to detention centre rules, brings or attempts to bring any alcohol into a detention centre, or to a detained person, is guilty of an offence.
- (2) A person who places alcohol anywhere outside a detention centre, intending that it should come into the possession of a detained person there, is guilty of an offence.
- (3) A detainee custody officer or any other person on the staff of a detention centre who, contrary to detention centre rules, allows alcohol to be sold or used in the centre is guilty of an offence.
- (4) A person guilty of an offence under this paragraph is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 3 on the standard scale or to both.
- (5) “Alcohol” means any spirituous or fermented liquor.

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Introduction of other articles

- 6 (1) A person who—
- (a) conveys or attempts to convey any thing into or out of a detention centre or to a detained person, contrary to detention centre rules, and
 - (b) is not as a result guilty of an offence under paragraph 4 or 5,
- is guilty of an offence under this paragraph.
- (2) A person who—
- (a) places any thing anywhere outside a detention centre, intending it to come into the possession of a detained person, and
 - (b) is not as a result guilty of an offence under paragraph 4 or 5,
- is guilty of an offence under this paragraph.
- (3) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Notice of penalties

- 7 (1) In the case of a contracted out detention centre, the contractor must cause a notice setting out the penalty to which a person committing an offence under paragraph 4, 5 or 6 is liable to be fixed outside the centre in a conspicuous place.
- (2) In the case of any other detention centre, the Secretary of State must cause such a notice to be fixed outside the centre in a conspicuous place.
- 8 (1) In the case of a contracted out short-term holding facility, the contractor must cause a notice setting out the penalty to which a person committing an offence under paragraph 4 is liable to be fixed outside the facility in a conspicuous place.
- (2) In the case of any other short-term holding facility, the Secretary of State must cause such a notice to be fixed outside the facility in a conspicuous place.

SCHEDULE 13

Section 156(5).

ESCORT ARRANGEMENTS

Monitoring of escort arrangements

- 1 (1) Escort arrangements must include provision for the appointment of a Crown servant as escort monitor.
- (2) The escort monitor must—
- (a) keep the escort arrangements under review and report on them to the Secretary of State as required in accordance with the arrangements;
 - (b) from time to time inspect the conditions in which detained persons are transported or held in accordance with the escort arrangements;
 - (c) make recommendations to the Secretary of State, with a view to improving those conditions, whenever he considers it appropriate to do so;
 - (d) investigate, and report to the Secretary of State on, any allegation made against a detainee custody officer or prisoner custody officer in respect

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of any act done, or failure to act, when carrying out functions under the arrangements;

- (3) Paragraph (d) of sub-paragraph (2) does not apply in relation to—
- (a) detainee custody officers employed as part of the Secretary of State’s staff; or
 - (b) an act or omission of a prisoner custody officer so far as it falls to be investigated by a prisoner escort monitor under section 81 of the Criminal Justice Act 1991 or under section 103 or 119 of the Criminal Justice and Public Order Act 1994.

Powers and duties of detainee custody officers

- 2 (1) A detainee custody officer acting in accordance with escort arrangements has power—
- (a) to search (in accordance with rules made by the Secretary of State) any detained person for whose delivery or custody the officer is responsible in accordance with the arrangements; and
 - (b) to search any other person who is in, or is seeking to enter, any place where any such detained person is or is to be held, and any article in the possession of such a person.
- (2) The power conferred by sub-paragraph (1)(b) does not authorise requiring a person to remove any of his clothing other than an outer coat, jacket or glove.
- (3) As respects a detained person for whose delivery or custody he is responsible in accordance with escort arrangements, it is the duty of a detainee custody officer—
- (a) to prevent that person’s escape from lawful custody;
 - (b) to prevent, or detect and report on, the commission or attempted commission by him of other unlawful acts;
 - (c) to ensure good order and discipline on his part; and
 - (d) to attend to his wellbeing.
- (4) The Secretary of State may make rules with respect to the performance by detainee custody officers of their duty under sub-paragraph (3)(d).
- (5) The powers conferred by sub-paragraph (1), and the powers arising by virtue of sub-paragraph (3), include power to use reasonable force where necessary.

Breaches of discipline

- 3 (1) Sub-paragraph (2) applies if a detained person for whose delivery or custody a person (“A”) has been responsible in accordance with escort arrangements is delivered to a detention centre.
- (2) The detained person is to be treated, for the purposes of such detention centre rules as relate to disciplinary offences, as if he had been in the custody of the director of the detention centre at all times while A was so responsible.
- (3) Sub-paragraph (4) applies if a detained person for whose delivery or custody a person (“B”) has been responsible in accordance with escort arrangements is delivered to a prison.

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

- (4) The detained person is to be treated, for the purposes of such prison rules as relate to disciplinary offences, as if he had been in the custody of the governor or controller of the prison at all times while B was so responsible.
- (5) “Director” means—
- (a) in the case of a contracted out detention centre, the person appointed by the Secretary of State in relation to the centre under section 149 or such other person as the Secretary of State may appoint for the purposes of this paragraph;
 - (b) in the case of any other detention centre, the manager of the detention centre.
- (6) This paragraph does not authorise the punishment of a detained person under detention centre rules or prison rules in respect of any act or omission of his for which he has already been punished by a court.
- (7) “Prison rules” means—
- (a) rules made under section 47 of the Prison Act 1952;
 - (b) rules made under section 19 of the Prisons (Scotland) Act 1989;
 - (c) rules made under section 13 of the Prison Act (Northern Ireland) 1953.

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)—

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- (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”;
 - (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.

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

- (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.

(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).

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- 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)—
- (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—

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“(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”.

The Prison Act 1952 (c. 52)

33 In section 55 of the Prison Act 1952 (provisions extending to Scotland) at the end insert—

“(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).

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

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”.
- 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

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- (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
- (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.

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- (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.
- (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.

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

- (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.
- (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.

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- (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—
- “(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—

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- “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.
- (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—

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

“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.”

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.”

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

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—

“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—

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

“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.”

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—

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

“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.
- (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.

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

- (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).

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)”.

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

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

- (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”.

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.

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

- (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—
- “(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”.

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

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 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 appellants.

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).

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- (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 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.”

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.
- (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.

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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.

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

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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.
- (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

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- (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.

SCHEDULE 16

Section 169(3).

REPEALS

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1949 c. 76.	The Marriage Act 1949.	<p>In section 3(1), “whether by licence or without licence,”.</p> <p>Section 26(2).</p> <p>In section 27, in subsection (1) “without licence”, subsection (2), in subsection (3)(a) “in the case of a marriage intended to be solemnized without licence,”, and subsection (3)(b).</p> <p>In section 27B, in subsections (4) and (6) “or licence”, and in subsection (5) “; or certificate and licence,”.</p> <p>In section 28(1), “or licence” .</p> <p>In section 29, every “or licence”.</p> <p>In section 31, in subsection (1) “without licence”, and in subsection (4) “without licence”.</p> <p>Section 32.</p>

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		<p>In section 35, in subsection (1) “, or if the marriage is to be by licence, a certificate and a licence,”, in subsections (2) and (4) “or, if the marriage is to be by licence, a certificate and a licence,”, and in subsections (2A) and (2B) “or, if the marriage is to be by licence, a certificate and licence,”.</p> <p>Section 36.</p> <p>In section 37(1), “without licence”.</p> <p>In section 38(1), “without licence”.</p> <p>In section 39(1), “without licence”.</p> <p>Section 40(2).</p> <p>Section 49(c).</p> <p>In section 50, in subsection (1) “the certificate or, if notice of marriage has been given to more than one superintendent registrar”, and subsection (2).</p> <p>In section 51(1), from first “the sum” to “case,”.</p> <p>In section 75(3), in paragraph (b) “or licence”.</p> <p>In Schedule 4, in Part III, “The proviso to subsection (2) of section twenty-six”.</p>
1969 c. 46	The Family Law Reform Act 1969.	In section 2(3), “or licence” in both cases.
1970 c. 34.	The Marriage (Registrar General’s Licence) Act 1970.	In section 5, “or licence”. Section 13(b).
1971 c. 77.	The Immigration Act 1971.	In section 10(1), from “and any such Order” to the end. Part II. In section 24, subsections (1) (aa) and (2).

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		Section 25(3).
		In Schedule 2, in paragraph 21(4)(a) “under paragraph 2 above”, in paragraph 26(1) “and have not been given leave” and paragraph 28.
		In Schedule 3, in paragraph 3, “in paragraph 28(2), (3) and (6) and”.
		Schedule 5.
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Schedule 1, in Part III, “Adjudicator appointed for the purposes of the Immigration Act 1971”.
1975 c. 25.	The Northern Ireland Assembly Disqualification Act 1975.	In Schedule 1, in Part III, “Adjudicator appointed for the purposes of the Immigration Act 1971”.
1987 c. 24.	The Immigration (Carriers' Liability) Act 1987.	The whole Act.
1988 c. 14.	The Immigration Act 1988.	Section 5. Section 8. Section 9.
1990 c. 41.	The Courts and Legal Services Act 1990.	In Schedule 10, paragraph 34. In Schedule 11, in the entry relating to the Immigration Appeal Tribunal, “appointed under Schedule 5 to the Immigration Act 1971”.
1992 c. 4.	The Social Security Contributions and Benefits Act 1992.	Section 146A.
1992 c. 7.	The Social Security Contributions and Benefits (Northern Ireland) Act 1992.	Section 142A.
1993 c. 8.	The Judicial Pensions and Retirement Act 1993.	In Schedule 6, paragraphs 37 and 38.
1993 c. 23.	The Asylum and Immigration Appeals Act 1993.	Section 3. Section 4. Section 5. Section 6.

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		Section 7.
		Section 8.
		Section 9.
		Section 10.
		Section 11.
		Section 12.
		Schedule 1.
		Schedule 2.
1996 c. 49.	The Asylum and Immigration Act 1996.	Section 1. Section 2. Section 3. Section 4. Section 7. Section 9. Section 10. Section 11. In Schedule 2, paragraphs 1(2) and (3), 3 and 4(2). In Schedule 3, paragraphs 1, 2 and 5.
1996 c. 52.	The Housing Act 1996.	In section 183(2), in the definition “eligible for assistance”, “or section 186 (asylum seekers and their dependants)”. Section 186.
		In Schedule 16, paragraph 3.
1997 c. 68.	The Special Immigration Appeals Commission Act 1997.	Section 7(4). In Schedule 2, paragraph 5.