



# Asylum and Immigration (Treatment of Claimants, etc.) Act 2004

## 2004 CHAPTER 19

### *General*

#### **44 Interpretation: “the Immigration Acts”**

- (1) A reference to “the Immigration Acts” is to—
  - (a) the Immigration Act 1971 (c. 77),
  - (b) the Immigration Act 1988 (c. 14),
  - (c) the Asylum and Immigration Appeals Act 1993 (c. 23),
  - (d) the Asylum and Immigration Act 1996 (c. 49),
  - (e) the Immigration and Asylum Act 1999,
  - (f) the Nationality, Immigration and Asylum Act 2002 (c. 41), and
  - (g) this Act.
- (2) This section has effect in relation to a reference in this Act or any other enactment (including an enactment passed or made before this Act).
- (3) For section 158(1) and (2) of the Nationality, Immigration and Asylum Act 2002 (c. 41) substitute—
  - “(1) A reference to “the Immigration Acts” shall be construed in accordance with section 44 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.”
- (4) In the following provisions for “section 158 of the Nationality, Immigration and Asylum Act 2002” substitute “section 44 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004”—
  - (a) section 32(5) of the Immigration Act 1971 (c. 77), and
  - (b) section 167(1) of the Immigration and Asylum Act 1999 (c. 33).

**45 Interpretation: immigration officer**

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

**46 Money**

There shall be paid out of money provided by Parliament—

- (a) any expenditure incurred by a Minister of the Crown in connection with this Act, and
- (b) any increase attributable to this Act in the sums payable under any other enactment out of money provided by Parliament.

**47 Repeals**

The enactments listed in Schedule 4 are hereby repealed to the extent specified.

**48 Commencement**

- (1) Sections 2, 32(2) and 35 shall come into force at the end of the period of two months beginning with the date on which this Act is passed.
- (2) Section 32(1) shall have effect in relation to determinations of the Special Immigration Appeals Commission made after the end of the period of two months beginning with the date on which this Act is passed.
- (3) The other preceding provisions of this Act shall come into force in accordance with provision made—
  - (a) in the case of section 26 or Schedule 1 or 2, by order of the Lord Chancellor,
  - (b) in the case of sections 4 and 5 in so far as they extend to Scotland, by order of the Scottish Ministers, and
  - (c) in any other case, by order of the Secretary of State.
- (4) An order under subsection (3)—
  - (a) may make transitional or incidental provision,
  - (b) may make different provision for different purposes, and
  - (c) shall be made by statutory instrument.
- (5) Transitional provision under subsection (4)(a) in relation to the commencement of section 26 may, in particular, make provision in relation to proceedings which, immediately before commencement—
  - (a) are awaiting determination by an adjudicator appointed, or treated as if appointed, under section 81 of the Nationality, Immigration and Asylum Act 2002 (c. 41),
  - (b) are awaiting determination by the Immigration Appeal Tribunal,
  - (c) having been determined by an adjudicator could be brought before the Immigration Appeal Tribunal,
  - (d) are awaiting the determination of a further appeal brought in accordance with section 103 of that Act,
  - (e) having been determined by the Immigration Appeal Tribunal could be brought before another court by way of further appeal under that section,

- (f) are or could be made the subject of an application under section 101 of that Act (review of decision on permission to appeal to Tribunal), or
  - (g) are or could be made the subject of another kind of application to the High Court or the Court of Session.
- (6) Provision made under subsection (5) may, in particular—
- (a) provide for the institution or continuance of an appeal of a kind not generally available after the commencement of section 26,
  - (b) provide for the termination of proceedings, or
  - (c) make any other provision that the Lord Chancellor thinks appropriate.

#### **49 Extent**

- (1) This Act extends (subject to subsection (2)) to—
- (a) England and Wales,
  - (b) Scotland, and
  - (c) Northern Ireland.
- (2) An amendment effected by this Act has the same extent as the enactment, or as the relevant part of the enactment, amended (ignoring extent by virtue of an Order in Council).
- (3) Her Majesty may by Order in Council direct that a provision of this Act is to extend, with or without modification or adaptation, to—
- (a) any of the Channel Islands;
  - (b) the Isle of Man.

#### **50 Short title**

This Act may be cited as the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.