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STATUTORY INSTRUMENTS

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**2000 No. 1282 (c. 38)**

**IMMIGRATION**

The Immigration and Asylum Act 1999  
(Commencement No. 4) Order 2000

Made - - - - 9th May 2000

The Secretary of State, in exercise of the powers conferred upon him by section 170(4) and (5) of the Immigration and Asylum Act 1999<sup>(1)</sup> hereby makes the following Order:

1.—(1) This Order may be cited as the Immigration and Asylum Act 1999 (Commencement No. 4) Order 2000.

(2) In this Order “the Act” means the Immigration and Asylum Act 1999.

2. The provisions of the Act specified in column 1 of the Schedule to this Order shall come into force on the date specified in column 2 of that Schedule, but where a particular purpose is specified in relation to any such provision in column 3 of that Schedule, the provision concerned shall come into force on that date only for that purpose.

Home Office  
9th May 2000

*Jack Straw*  
One of Her Majesty’s Principal Secretaries of  
State

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## THE SCHEDULE

Article 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Section 10(6) (Removal directions: prescribed class of persons to whom they may be given; imposition of prescribed requirements).	22nd May 2000	
Section 12(1) (Designation of countries other than EU Member States to which asylum claimants may be removed).	22nd May 2000	For the purposes of enabling subordinate legislation to be made under it.
Section 58(2) (Part 1 of Schedule 4 to the Act).	22nd May 2000	Commenced for the purposes of the provisions of Part 1 of Schedule 4 to the Act commenced by this Order.
Section 60(6) and (10) (Family visitor appeals: fees; definition of family visitor).	22nd May 2000	
Section 72(3) (Miscellaneous Limitations on rights of appeal).	22nd May 2000	For the purposes of enabling subordinate legislation to be made under it.
Section 74 (One-stop procedure: duty to disclose grounds for appeal etc).	22nd May 2000	For the purposes of enabling subordinate legislation to be made under it.
Section 75 (One-stop procedure: duty to disclose grounds for entering etc the United Kingdom).	22nd May 2000	For the purposes of enabling subordinate legislation to be made under it.
Section 76(6) (Result of failure to comply with section 74: definition of member of the family).	22nd May 2000	
Section 80 (EEA nationals).	22nd May 2000	
Section 82 (Interpretation of Part V).	22nd May 2000	
Section 83 (The Commissioner).	22nd May 2000	Section 83(4) and (5) are commenced for the purposes of the provisions of Schedule 5 to the Act commenced by this Order.
Section 86(1) to (9) (Designated professional bodies).	22nd May 2000	
Section 93 (Information).	22nd May 2000	

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Section 165 (Procedural requirements as to applications).	22nd May 2000	For the purposes of enabling subordinate legislation to be made under the new section 31A of the Immigration Act 1971 <sup>(2)</sup> , inserted by it.
In Schedule 4, paragraph 1 (Notice of appealable matters).	22nd May 2000	
In Schedule 5, paragraphs 1(1), (2) and (4), 2(1) to (4) and (6) to (8), 3(1) to (3) and (5) to (7), 4, 5(1) to (3), 6(1) and 11 to 25.	22nd May 2000	

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force certain provisions of the Immigration and Asylum Act 1999 (the 1999 Act).

On 22nd May 2000, the following provisions are commenced:

- (a) section 10(6), which concerns removal directions in respect of certain persons unlawfully in the United Kingdom, and enables subordinate legislation to be made prescribing the class of persons to whom removal directions may be given, and prescribing requirements that may be imposed;
- (b) section 12(1), which enables subordinate legislation to be made designating countries (other than countries which are Member States of the European Union) to which asylum claimants may be removed;
- (c) section 60(6) and (10), which concerns family visitor appeals, and enables subordinate legislation to be made prescribing fees for such appeals and the definition of “family visitor”;
- (d) section 72(3), for the purpose of making subordinate legislation concerning procedural requirements in relation to applications;
- (e) sections 74 and 75, for the purpose of making subordinate legislation on the one-stop appeals procedure;
- (f) section 76(6), which enables subordinate legislation to be made prescribing the definition of “member of the family” in the context of a failure to comply with section 74;
- (g) section 80, which enables subordinate legislation to be made on appeals rights for European Economic Area nationals, their family members and certain family members of United Kingdom nationals;

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(2) 1971 c. 77.

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- (h) section 82, which provides the interpretation of certain words and phrases for the purposes of Part V;
- (i) section 83, which makes provision for the appointment of an Immigration Services Commissioner to regulate the provision of immigration advice and services, although subsections (4) and (5) are commenced only for the purposes of certain provisions of Schedule 5. These provisions relate to the making of the Commissioner's Rules, the Code of Standards and the complaints scheme, and the Commissioner's remuneration, status and staff;
- (j) section 86(1) to (9), which relates to designated professional bodies;
- (k) section 93, which relates to the disclosure of information obtained by or given to the Immigration Services Commissioner under or for the purposes of the 1999 Act;
- (l) section 165, which enables subordinate legislation to be made concerning procedural requirements for applications made under the Immigration Act 1971;
- (m) paragraph 1 of Schedule 4 (and section 58(2) so far as it extends to that paragraph), which enables subordinate legislation to be made on requirements for notification of appealable decisions or actions.

#### **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

*(This note is not part of the Order)*

The following provisions of the Immigration and Asylum Act 1999 have been brought into force on the dates shown by commencement orders before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 and 2 (Leave to enter; leave to remain).	14th February 2000	<a href="#">2000/168</a>
Sections 6 and 7 (Members of Missions other than diplomatic agents; Persons ceasing to be exempt).	1st March 2000	<a href="#">2000/168</a>
Section 8 (Persons excluded from the United Kingdom under International Obligations).	1st March 2000	<a href="#">2000/168</a>
Section 14 (Escorts for persons removed from the United Kingdom under directions).	1st March 2000	<a href="#">2000/168</a>
Section 18 (in part) (Passenger information).	1st March 2000	<a href="#">2000/464</a>
Sections 18 (save as not already in force) and 19 (Notification of non-EEA arrivals).	3rd April 2000	<a href="#">2000/464</a>
Sections 20 and 21 (Supply of information to and by Secretary of State).	1st January 2000	<a href="#">1999/3190</a>

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 28, 29(1) (in part) (2) and (4) and 30 (Offences).	14th February 2000	2000/168
Section 32(2)(a), (3) and (10) (in part) (Prescribed penalty for carrying clandestines; prescribed period for payment; and prescribed control zone).	6th December 1999	1999/3190
Section 33 (Clandestine entrants: Code of practice).	6th December 1999	1999/3190
Section 35(7) to (9) (in part) (Clandestine entrants: period for giving notice of objection and service of notices on detached trailers).	6th December 1999	1999/3190
Section 36(2)(a) (in part) (Clandestine entrants: prescribed period for payment of penalty).	6th December 1999	1999/3190
Section 37(6) (in part) (Sale of transporters).	6th December 1999	1999/3190
Sections 32 and 34 to 37 (in part) (save as not already in force) (Clandestine entrants).	3rd April 2000	2000/464
Section 38 (Assisting illegal entry and harbouring).	3rd April 2000	2000/464
Section 39 (in part) (Clandestine entrants: Rail freight).	6th December 1999	1999/3190
Section 40(9) and (10) (Carriers' Liability: trains: international agreement for controls).	6th December 1999	1999/3190
Section 42(8) (in part) (Sale of transporters).	6th December 1999	1999/3190
Section 43 (Interpretation of Part II).	6th December 1999	1999/3190
Sections 56 (The Immigration Appeal Tribunal) and 57 (Adjudicators).	14th February 2000	2000/168
Section 58(2) (in part) (Part I of Schedule 4 to the Act).	14th February 2000	2000/168
Section 95(3) to (8) (in part) (Persons for whom support may be provided).	6th December 1999	1999/3190

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 95 (in part).	1st January 2000	1999/3190
Section 97 (in part) (Supplemental provisions on provision of support).	1st January 2000	1999/3190
Section 98(3) (in part) (Temporary support).	1st March 2000	2000/464
Section 104 (Asylum support: Secretary of State's Rules).	1st January 2000	1999/3190
Section 110(9) (Definition of "Northern Ireland authority" for the purposes of section 110).	6th December 1999	1999/3190
Section 114 (in part) (Overpayments).	1st January 2000	1999/3190
Section 115 (in part) (Exclusion from benefits).	1st January 2000	1999/3190
Section 116 (Amendment of section 21 of the National Assistance Act 1948).	6th December 1999	1999/3190
Section 117(1) and (2) (Amendment of section 45 of the Health Services and Public Health Act 1968 and paragraph 2 of Schedule 8 to the National Health Service Act 1977).	6th December 1999	1999/3190
Section 118 (in part) (Housing authority accommodation).	1st January 2000	1999/3190
Section 118 (save as not already in force) (Housing authority accommodation).	1st March 2000	2000/464
Section 119 (in part) (Homelessness: Scotland and Northern Ireland).	1st January 2000	1999/3190
Section 119 (save as not already in force) (Homelessness: Scotland and Northern Ireland).	1st March 2000	2000/464
Sections 120 and 121 (in part) (Other restrictions on assistance: Scotland and Northern Ireland).	1st March 2000	2000/464
Section 122 (in part) (Support for children).	1st March 2000	2000/464

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Part VI (save as not already in force and except section 117(5)) (Support for asylum seekers).	1st March 2000	2000/464
Section 123 (in part) (Backdating of benefits where person recorded as refugee).	1st January 2000	1999/3190
Sections 128 to 139 (Powers to arrest and search).	14th February 2000	2000/168
Section 154 (in part) (Detainee Custody Officers).	3rd April 2000	2000/464
Section 169(1) and (2) (in part) (Minor and consequential amendments and transitional provisions).	6th December 1999	1999/3190
Section 169 (in part).	14th February 2000	2000/168
Section 169(1) and (3) (in part) (Minor and consequential amendments and repeals).	1st March 2000	2000/464
Section 169(1) and (3) (in part) (save as not already in force) (Minor and consequential amendments and repeals).	3rd April 2000	2000/464
Paragraphs 2 and 5 of Schedule 1 (Sale of transporters).	6th December 1999	1999/3190
Schedule 1 (so far as not already in force) (Sale of transporters).	3rd April 2000	2000/464
Schedules 2 (The Immigration Appeal Tribunal) and 3 (Adjudicators).	14th February 2000	2000/168
In Schedule 4 (Appeals), paragraphs 3 to 5.	14th February 2000	2000/168
Schedule 8 (Provision of support: regulations).	1st January 2000	1999/3190
In Schedule 11 (Detainee custody officers) paragraphs 1 and 7(1).	3rd April 2000	2000/464
Paragraph 54 of Schedule 14 (Proof of documents).	6th December 2000	1999/3190
Paragraph 117 of Schedule 14 (Amendment of section 512(3) of the Education Act 1996).	6th December 1999	1999/3190

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
In Schedule 14, paragraphs 43 (in part), 44(1), 45, 49 (in part), 50, 51, 53, 56 to 60, 62(1), (3) and (4), 63, 64, 67, 68, 71, 72, 80(1) (in part), (2) and (3), 90(1) (in part), (2) and (3), 91, 94 (in part), 95, 96, 98, 108 (in part), 109, 118 (in part) and 125 (Minor and consequential provisions).	14th February 2000	2000/168
In Schedule 14, paragraphs 43 (in part), 52(1) (in part) and 3(a), 108 (in part) and 110 (Minor and consequential provisions).	1st March 2000	2000/464
In Schedule 14, paragraphs 43 (in part), 52(1) (in part) and 3(b), 74, 76, 92, 93, 99 (in part), 101, 108 (in part) and 111 to 113 (Minor and consequential provisions).	3rd April 2000	2000/464
Paragraphs 5, 6 and 9 of Schedule 15 (Transitional provisions in relation to section 116 and subsections (1) and (2) of section 117).	6th December 1999	1999/3190
In Schedule 15, paragraphs 1, 3, 4(b) and 14 (Transitional provisions).	14th February 2000	2000/168
In Schedule 16, the entries relating to the Immigration Act 1971 (in part), the House of Commons Disqualification Act 1975, the Northern Ireland Assembly Disqualification Act 1975, the Courts and Legal Services Act 1990, the Judicial Pensions and Retirement Act 1993 and the Asylum and Immigration Act 1996 (in part).	14th February 2000	2000/168
In Schedule 16 (Repeals) the provisions relating to section 9 of the Asylum and Immigration Act 1996 and Paragraph 3 of Schedule 6 to the Housing Act 1996.	1st March 2000	2000/464



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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
In Schedule 16 (Repeals) the entries relating to the Social Security Contributions and Benefits Act 1992, the Social Security and Benefits (Northern Ireland) Act 1992, sections 3 and 4 of, and Schedule 1 to, the Asylum and Immigration Act 1993 and sections 10 and 11 of, and Schedule 1 to, the Asylum and Immigration Act 1996.	3rd April 2000	<a href="#">2000/464</a>