

## SCHEDULE 2

### **Transitional provisions relating to the 1999 Act**

1.—(1) In this paragraph, a reference to a section or to a Schedule is to be read as a reference to a section of, or to a Schedule to, the 1999 Act, unless otherwise specified.

(2) Section 10 (removal of certain persons unlawfully in the United Kingdom) is not to have effect in relation to—

(a) any person on whom the Secretary of State has, before 2nd October 2000, served a notice of his intention to make a deportation order; and

(b) any person—

(i) who applied during the regularisation period fixed by section 9 of the 1999 Act, in accordance with the Immigration (Regularisation Period for Overstayers) Regulations 2000(1), for leave to remain in the United Kingdom; and

(ii) on whom the Secretary of State has since served a notice of his decision to make a deportation order.

(3) Subsections (5) to (10) of section 58 (pending appeals) are to apply to appeals under Part II of the 1971 Act, section 8 of the 1993 Act and section 3 of the 1996 Act as they do to appeals under Part IV and—

(a) references to “this Part” are to be construed accordingly; and

(b) when an appeal is made under section 14 of the 1971 Act, the reference to section 61 in subsection (10) of section 58 is to include a reference to section 14 of the 1971 Act.

(4) Section 59 (appeals against exclusion from the United Kingdom) is not to have effect where the decision to refuse leave to enter the United Kingdom, or to refuse a certificate of entitlement or an entry clearance, was made before 2nd October 2000.

(5) Section 61 (appeals against decisions about variation of limited leave) is not to have effect where the decision to vary, or to refuse to vary, the limited leave to enter or remain was made before 2nd October 2000.

(6) Section 63 (appeals in respect of deportation orders) is not to have effect where the decision to make a deportation order, or the decision to refuse to revoke a deportation order, was made before 2nd October 2000.

(7) Section 65 (human rights appeals) is not to have effect where the decision under the Immigration Acts was taken before 2nd October 2000.

(8) Section 66 (appeals concerning the validity of directions for removal) is not to have effect where the directions for a person’s removal from the United Kingdom were given before 2nd October 2000.

(9) Section 67 (appeals objecting to the destination specified in removal directions) is not to have effect where the directions for a person’s removal from the United Kingdom were given before 2nd October 2000.

(10) If a person has appealed under section 13(1) or section 15 of the 1971 Act, the reference in section 68(2) to an appeal under section 59 or 63 is to include a reference to an appeal under subsection (2) or subsection (3) of section 17 of the 1971 Act.

(11) In section 69 (asylum appeals)—

(a) subsection (1) is not to have effect where the decision to refuse leave to enter the United Kingdom was made before 2nd October 2000;

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (b) subsection (2) is not to have effect where the decision to vary, or to refuse to vary, the limited leave to enter or remain was made before 2nd October 2000;
- (c) subsection (3) is not to have effect where the decision to refuse leave to enter or remain in the United Kingdom was made before 2nd October 2000;
- (d) subsection (4) is not to have effect where the decision to make a deportation order, or the decision to refuse to revoke a deportation order, was made before 2nd October 2000; and
- (e) subsection (5) is not to have effect where the directions for a person's removal from the United Kingdom were given before 2nd October 2000.

(12) If a person has had the right to appeal under section 8(3)(a) of the 1993 Act, the reference in section 70(8) to the right to appeal under section 69(4)(a) is to include a reference to the right to appeal under section 8(3)(a) of the 1993 Act.

(13) The following paragraphs of Schedule 4 are to apply to appeals under Part II of the 1971 Act, section 8 of the 1993 Act and section 3 of the 1996 Act as they do to appeals under Part IV—

- (a) paragraph 6 (hearings in private);
- (b) paragraph 7 (leave to appeal);
- (c) paragraph 8 (offences);
- (d) paragraph 21 (determination of appeals);
- (e) paragraph 22 (appeals to Immigration Appeal Tribunal);
- (f) paragraph 23 (appeals from Immigration Appeal Tribunal); and
- (g) paragraph 24 (appeals which must be dismissed);

and references in these paragraphs to appeals under Part IV are to include references to appeals under Part II of the 1971 Act, section 8 of the 1993 Act and section 3 of the 1996 Act.

(14) Where an appeal is made under section 13 of the 1971 Act (appeals against exclusion from the United Kingdom), and the adjudicator dismisses that appeal, the reference in paragraph 7 of Schedule 4 (leave to appeal) to an appeal under section 59 (appeals against exclusion from the United Kingdom) is to include a reference to an appeal under section 13 of the 1971 Act.

(15) Where an appeal is made to the Immigration Appeal Tribunal in the first instance, in accordance with section 15 of the 1971 Act (appeals in respect of deportation orders), the references in paragraph 21 of Schedule 4 (determination of appeals) to an adjudicator are to include references to the Immigration Appeal Tribunal.

(16) Where an appeal is made under the 1996 Act, the reference in paragraph 22 of Schedule 4 (appeals to the Immigration Appeal Tribunal) to section 71 (removal to safe countries) is to include a reference to section 3(1)(a) of the 1996 Act (appeals against certificates).

(17) Where an appeal has been determined before 2nd October 2000 on the grounds that it has been abandoned, it is to continue to be treated as determined for the purposes of paragraphs 22 and 23 of Schedule 4 (appeals to and from the Immigration Appeal Tribunal).

(18) Where an appeal is made under section 16 of the 1971 Act (appeals against the validity of removal directions), the reference in paragraph 24(3) of Schedule 4 (appeals which must be dismissed) to section 66(1)(c) is to include a reference to section 16(1)(b) of the 1971 Act.