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STATUTORY INSTRUMENTS

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**2000 No. 464 (C. 12)**

**IMMIGRATION**

**The Immigration and Asylum Act 1999  
(Commencement No. 3) Order 2000**

*Made - - - - 24th February 2000*

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

**1.**—(1) This Order may be cited as the Immigration and Asylum Act 1999 (Commencement No. 3) 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  
24th February 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 18 (Passenger information).	1st March 2000	For the purposes of enabling subordinate legislation to be made under a provision inserted by it.
Sections 18 (save as not already in force) and 19 (Notification of non-EEA arrivals).	3rd April 2000	
Sections 32 and 34 to 37 (Clandestine entrants) (save as not already in force(2)).	3rd April 2000	For the purposes of clandestine entrants (within the meaning of section 32(1) of the Act) other than those who: <ul style="list-style-type: none"> <li>(a) (within the meaning of Part II of the Act) arrive in the United Kingdom concealed otherwise than in a vehicle; and</li> <li>(b) are clandestine entrants by virtue of section 32(1) (a) of the Act.</li> </ul>
Section 38 (Assisting illegal entry and harbouring).	3rd April 2000	
Section 98(3) (Temporary support).	1st March 2000	For the purposes of enabling subordinate legislation to be made under section 95 of the Act as applied by section 98(3).
Section 118 (Housing authority accommodation) (save as not already in force(3)).	1st March 2000	
Section 119 (Homelessness: Scotland and Northern Ireland) (save as not already in force(4)).	1st March 2000	
Sections 120 and 121 (Other restrictions on assistance: Scotland and Northern Ireland).	1st March 2000	For the purposes of enabling subordinate legislation to be made under section 95 of the Act as applied by any provision inserted by section 120 or 121.

- (2) Sections 32(2)(a), 32(3), 32(10), 35(7) to (9), 36(2)(a) and 37(6) were brought into force by S.I. [1999/3190](#) for the purposes of enabling subordinate legislation to be made under them.
- (3) Section 118 was brought into force by S.I. [1999/3190](#) for the purpose of enabling subordinate legislation to be made under it.
- (4) Section 119 was brought into force by S.I. [1999/3190](#) for the purpose of enabling subordinate legislation to be made under it.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Section 122 (Support for children).	1st March 2000	For the purposes of enabling subordinate legislation to be made under it.
Part VI (Support for asylum-seekers) (save as not already in force <sup>(5)</sup> and except section 117(5)).	3rd April 2000	
Section 154 (Detainee custody officers).	3rd April 2000	Section 154(7) is commenced for the purposes of the provisions of Schedule 11 commenced by this Order.
Section 169(1) and (3) (minor and consequential amendments and repeals).	1st March 2000	So far as relating to the provisions of Schedules 14 and 16 commenced on 1st March 2000 by this Order.
Section 169(1) and (3) (save as not already in force).	3rd April 2000	So far as relating to the provisions of Schedules 14 and 16 commenced on 3rd April 2000 by this Order.
Schedule 1 (so far as not already in force <sup>(6)</sup> ).	3rd April 2000	For the purposes of section 37 of the Act.
Paragraphs 1 and 7(1) of Schedule 11 (Detainee custody officers).	3rd April 2000	
Paragraphs 43, 52(1) and (3)(a), 108 and 110 of Schedule 14 (minor provisions and provisions consequential on provisions of the Act commenced by this Order).	1st March 2000	Paragraphs 43 and 52(1) are commenced so far as they relate to paragraph 52(3)(a); and paragraph 108 is commenced so far as it relates to paragraph 110.
Paragraphs 43, 52(1) and (3)(b), 74, 76, 92, 93, 99, 101, 108 and 111 to 113 of Schedule 14 (minor provisions and provisions consequential on provisions of the Act commenced by this Order).	3rd April 2000	Paragraphs 43 and 52(1) are commenced so far as they relate to paragraph 52(3)(b); paragraph 99 is commenced so far as it relates to paragraph 101; and paragraph 108 is commenced so far as it relates to paragraphs 111 to 113.
In Schedule 16 (repeals), the entries relating to section 9 of	1st March 2000	

(5) Sections 94, 95(13), 99(4) and (5), 105 to 109, 110(1), (2) and, for certain purposes, (8), 111 and 124 and Schedule 9 were brought into force by paragraphs (f) to (l) and (r) of section 170(3) of the Act. Sections 95(3) to (8), 95 and 97 (all for certain purposes), 104, 110(9), 114 and 115 (both for certain purposes), 117(1) and (2), and 118, 119 and 123 (all for certain purposes) and Schedule 8 were brought into force by S.I. 1999/3190. Sections 118 and 119 are brought fully, and sections 98, 120, 121 and 122 partially, into force by preceding entries in this Schedule.

(6) Paragraphs 2 and 5 of Schedule 1 were brought into force by S.I. 1999/3190 for the purposes of enabling subordinate legislation to be made under them.

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
the Asylum and Immigration Act 1996(7) and paragraph 3 of Schedule 16 to the Housing Act 1996(8).		
In Schedule 16 the entries relating to the Social Security Contributions and Benefits Act 1992(9), the Social Security Contributions and Benefits (Northern Ireland) Act 1992(10), sections 4 and 5 of, and Schedule 1 to, the Asylum and Immigration Act 1993(11) and sections 10 and 11 of, and Schedule 1 to, the Asylum and Immigration Act 1996.	3rd April 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 1st March 2000, the following provisions are commenced, so far as not already in force:

- (a) sections 18, 98(3) and 120 to 122, all for the purpose of making subordinate legislation;
- (b) sections 118 and 119, which make provision relating to the availability of housing authority accommodation in the UK to those subject to immigration control and the eligibility of such people to accommodation and assistance under the homelessness legislation in Scotland and Northern Ireland;
- (c) the repeal of section 9 of the Asylum and Immigration Act 1996, which is replaced by sections 118 and 119 of the 1999 Act;
- (d) minor provisions and provisions related to the above.

On 3rd April 2000, the following provisions are commenced, so far as not already in force:

- (a) sections 18 and 19, which require carriers to provide information relating to passengers and the expected arrival of ships and aircraft carrying persons who are not EEA (European Economic Area) nationals;

(7) 1996 c. 49.

(8) 1996 c. 52.

(9) 1992 c. 4.

(10) 1992 c. 7.

(11) 1993 c. 23.

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- (b) sections 32 and 34 to 37 (together with Schedule 1 so far as it relates to section 37) which provide for the imposition of a penalty on those responsible for carrying clandestine entrants into the United Kingdom and for the detention of transporters as security for the payment of such penalties, but not so far as those sections impose a penalty on the owners or captains of ships or aircraft;
- (c) section 38, which makes further provision with regard to the courts' powers of forfeiture in the case of those convicted of assisting illegal entry;
- (d) Part VI of the Act, which introduces comprehensive new arrangements for the provision of support to asylum-seekers. The only provision of this Part not in force on 3rd April 2000 is the repeal of section 186 of the Housing Act 1996, introduced by section 117(5) of the 1999 Act;
- (e) section 154 (detainee custody officers);
- (f) minor provisions related to the above.

#### **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	2000/168
Sections 6 and 7 (Members of Missions other than diplomatic agents; Persons ceasing to be exempt).	1st March 2000	2000/168
Section 8 (Persons excluded from the United Kingdom under International Obligations).	1st March 2000	2000/168
Section 14 (Escorts for persons removed from the United Kingdom under directions).	1st March 2000	2000/168
Sections 20 and 21 (Supply of information to and by Secretary of State).	1st January 2000	1999/3190
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

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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
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
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 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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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 119 (in part) (Homelessness: Scotland and Northern Ireland).	1st January 2000	1999/3190
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 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
Paragraphs 2 and 5 of Schedule 1 (Sale of transporters).	6th December 1999	1999/3190
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
Paragraph 54 of Schedule 14 (Proof of documents).	6th December 1999	1999/3190
Paragraph 117 of Schedule 14 (Amendment of section 512(3) of the Education Act 1996).	6th December 1999	1999/3190
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)	14th February 2000	2000/168

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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).		
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	<a href="#">1999/3190</a>
In Schedule 15, paragraphs 1, 3, 4(b) and 14 (Transitional provisions).	14th February 2000	<a href="#">2000/168</a>
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	<a href="#">2000/168</a>