
STATUTORY INSTRUMENTS

2003 No. 1034

**The Special Immigration Appeals
Commission (Procedure) Rules 2003**

PART 2

APPEALS TO THE COMMISSION UNDER THE 1997 ACT

Time limit for appealing

8.—(1) Subject to the following paragraphs of this rule, a notice of appeal to the Commission under the 1997 Act must be given—

- (a) if the appellant is in detention under the Immigration Acts or the 2001 Act when he is served with notice of the decision against which he wishes to appeal, not later than 5 days after he is served with that notice;
- (b) otherwise—
 - (i) if the appellant is in the United Kingdom, not later than 10 days; or
 - (ii) if the appellant is outside the United Kingdom, not later than 28 days, after the appellant is served with notice of the decision against which he wishes to appeal.

(2) Where the appellant—

- (a) is in the United Kingdom when he is served with notice of the decision against which he wishes to appeal; and
- (b) may not appeal against the decision while in the United Kingdom by reason of section 2(5) of the 1997 Act⁽¹⁾,

a notice of appeal against the decision must be given not later than 28 days after his departure from the United Kingdom.

(3) Paragraph (4) applies where—

- (a) the appellant has given notice of appeal under Part 5 of the 2002 Act against a decision (“the previous appeal”); and
- (b) the previous appeal has lapsed due to a certificate being issued under section 97 of the 2002 Act while the appeal was pending.

(4) Where this paragraph applies, a notice of appeal to the Commission against the decision which was the subject of the previous appeal must be given—

- (a) if the appellant is in detention under the Immigration Acts or the 2001 Act when he is served with notice that the previous appeal has lapsed, not later than 5 days after he is served with that notice;
- (b) otherwise—
 - (i) if the appellant is in the United Kingdom, not later than 10 days; or

(1) 1997 c. 68. Section 2 is substituted by paragraph 20 of Schedule 7 to the 2002 Act.

Status: This is the original version (as it was originally made).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

(ii) if the appellant is outside the United Kingdom, not later than 28 days, after the appellant is served with notice that the previous appeal has lapsed.

(5) The Commission may extend the time limits in this rule if satisfied that by reason of special circumstances it would be unjust not to do so.