

2004 No. 2523 (C. 105)

IMMIGRATION

**The Asylum and Immigration (Treatment of Claimants, etc.) Act
2004 (Commencement No. 1) Order 2004**

Made - - - - *22nd September 2004*

The Secretary of State, in exercise of the powers conferred upon him by section 48(3) and (4) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004(a), hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (Commencement No. 1) Order 2004.

(2) In this Order, “the 1999 Act” means the Immigration and Asylum Act 1999(b) and “the 2004 Act” means the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.

Commencement

2. The provisions of the 2004 Act specified in column 1 of the Schedule to this Order shall come into force on 1st October 2004, but where a particular purpose is specified in relation to any such provision in column 2 of that Schedule, the provision concerned shall come into force on that date only for that purpose.

Transitional provision

3. Notwithstanding their repeal by section 33 of the 2004 Act (removing asylum-seeker to safe country), sections 11(c) (removal of asylum claimant under standing arrangement with member States) and 12(d) (removal of asylum claimants in other circumstances) of the 1999 Act and sections 80 (removal of asylum-seeker to third country) and 93 (appeal from within the United Kingdom: “third country” removal) of the Nationality, Immigration and Asylum Act 2002(e) shall continue to have effect in relation to a person who is subject to a certificate under section 11(2) or section 12(2) or (5) of the 1999 Act which was issued by the Secretary of State before 1st October 2004.

Home Office
22nd September 2004

Des Browne
Minister of State

(a) 2004 c.19.
(b) 1999 c.33.
(c) As substituted by section 80 of the Nationality, Immigration and Asylum Act 2002 (c.41).
(d) Section 12 was amended by the Nationality, Immigration and Asylum Act 2002 (Consequential and Incidental Provisions) Order 2003 (S.I. 2003/1016).
(e) 2002 c.41.

SCHEDULE

Article 2

<i>Column 1</i>	<i>Column 2</i>
Section 1 (assisting unlawful immigration)	
Section 3 (immigration documents: forgery)	
Section 6 (employment)	
Section 8(7), (10) and (11) (claimant's credibility)	For the purpose of enabling the Secretary of State to exercise the power to make subordinate legislation under section 8(7)
Section 15 (fingerprinting)	
Section 18 (control of entry)	
Section 27 (unfounded human rights or asylum claim)	
Section 28 (appeal from within the United Kingdom)	
Section 29 (entry clearance)	
Section 30 (earlier right of appeal)	
Section 31 (seamen and aircrews: right of appeal)	
Section 33 (removing asylum-seeker to safe country) and Schedule 3 (removal of asylum-seeker to safe country)	
Section 34 (detention pending deportation)	
Section 36 (electronic monitoring)	
Section 37 (provision of immigration services)	
Section 38 (Immigration Services Commissioner: power of entry)	
Section 39 (offence of advertising services)	
Section 40 (appeal to Immigration Services Tribunal)	

Section 41 (professional bodies)

Section 42 (amount of fees)

Section 43 (transfer of leave stamps)

Section 44 (interpretation: “the Immigration Acts”)

Section 45 (interpretation: immigration officer)

Section 46 (money)

Section 47 and Schedule 4 (repeals), the entries relating to section 8(9) of the Asylum and Immigration Act 1996^(a), sections 11, 12, 85(1) and 87(3)(f) of the Immigration and Asylum Act 1999^(b) and paragraph 1(1) of Schedule 6 to that Act and sections 80, 93 and 94(4)(a) to (j) of the Nationality, Immigration and Asylum Act 2002^(c)

^(a) 1996 c.49.

^(b) 1999 c.33.

^(c) 2002 c.41.

EXPLANATORY NOTE

(This note is not part of the Order)

The Order brings into force fully on 1st October 2004 certain provisions of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (“the Act”).

The Order also brings into force on that date section 8(7), (10) and (11) of the Act, but only for the purpose of enabling the Secretary of State to exercise the power to make subordinate legislation under section 8(7).

The Order makes transitional provision in relation to the commencement of section 33 of the Act. Section 33 repeals sections 11 and 12 of the Immigration and Asylum Act 1999 (“the 1999 Act”) and sections 80 and 93 of the Nationality, Immigration and Asylum Act 2002. However, the Order states that, notwithstanding their repeal, those sections shall continue to have effect in relation to a person who is subject to a certificate under section 11(2) or section 12(2) or (5) of the 1999 Act which was issued by the Secretary of State before the commencement of section 33 of the Act.

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