
STATUTORY INSTRUMENTS

2004 No. 2999 (C. 125)

IMMIGRATION

**The Asylum and Immigration (Treatment of Claimants,
etc.) Act 2004 (Commencement No. 2) Order 2004**

Made - - - - 16th November 2004

The Secretary of State, in exercise of the powers conferred upon him by section 9(5) and section 48(3) and (4) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004⁽¹⁾ hereby makes the following Order:

Citation

1.—(1) This Order may be cited as the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (Commencement No. 2) Order 2004.

(2) In this Order “the 1999 Act” means the Immigration and Asylum Act 1999⁽²⁾ 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 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 provisions concerned shall come into force on that date only for that purpose.

Modification

3. Section 9 of the 2004 Act shall, until the commencement of section 44 of the Nationality, Immigration and Asylum Act 2002⁽³⁾, have effect as if the reference to section 94(3A) of the 1999 Act were a reference to section 94(5) of that Act.

Transitional provision

4. Notwithstanding the coming into force of section 9 of the 2004 Act, an appeal may be brought under section 103 of the 1999 Act against a decision if the letter giving notice of the decision is dated before 1st December 2004.

(1) 2004 c. 19.
(2) 1999 c. 33.
(3) 2002 c. 41.

Status: This is the original version (as it was originally made).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

Home Office
16th November 2004

Des Browne
Minister of State

SCHEDULE

Article 2

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|---|-------------------|---|
| Section 4 (trafficking people for exploitation) | 1st December 2004 | |
| Section 5 (section 4: supplemental) | 1st December 2004 | |
| Section 7 (advice of Director of Public Prosecutions) | 1st December 2004 | |
| Section 9 (failed asylum seekers: withdrawal of support) | 1st December 2004 | |
| Section 10(1), (2), (6) and (7) (failed asylum seeker: accommodation) | 1st December 2004 | |
| Section 11 (accommodation for asylum seekers: local connection) | 4th January 2005 | |
| Section 14 (immigration officer: power of arrest) | 1st December 2004 | |
| Section 17 (retention of documents) | 1st December 2004 | |
| Section 19(2) and (3) (England and Wales) and section 20(3) and (4) (England and Wales: supplemental) | 1st December 2004 | For the purpose of enabling the Secretary of State to exercise the powers to make subordinate legislation under section 19(2)(a) and (3)(c). |
| Section 19(4) (England and Wales) | 1st December 2004 | For the purpose of enabling the Registrar General to issue guidance under section 19(4) (d). |
| Section 21(2) and (3) (Scotland) and section 22(2) and (3) (Scotland: supplemental) | 1st December 2004 | For the purpose of enabling the Secretary of State to exercise the powers to make subordinate legislation under section 21(2)(a) and (3)(c). |
| Section 21(5) (Scotland) | 1st December 2004 | For the purpose of enabling the Secretary of State to issue guidance under section 21(5) and to consult with the Registrar General for Scotland for that purpose. |
| Section 23(2) and (3) (Northern Ireland) and section 24(2) and (4) (Northern Ireland: supplemental) | 1st December 2004 | For the purpose of enabling the Secretary of State to exercise the powers to make subordinate legislation under |

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| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|---|-------------------|---|
| | | section 23(2)(a) and (b) and (3) (c). |
| Section 23(6) (Northern Ireland) | 1st December 2004 | For the purpose of enabling the Secretary of State to issue guidance under section 23(6) (d) and to consult with the Registrar General for Northern Ireland for that purpose. |
| Section 25 (application for permission under section 19(3) (b), 21(3)(b) or 23(3)(b)) | 1st December 2004 | |

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force fully on 1st December 2004 and 4th January 2005 certain provisions of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (“the Act”).

The Order also brings into force on 1st December 2004 certain sections of the Act but only for the purpose of enabling the Secretary of State to exercise specified powers to make subordinate legislation or to enable guidance to be made and issued.

The Order modifies section 9 of the Act (which it also brings into force), to take into account the fact that section 44 of the Nationality, Immigration and Asylum Act 2002, which amends section 94 of the Immigration and Asylum Act 1999, is not yet in force.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|--|-----------------------------|---------------------------|
| Section 1 (assisting unlawful immigration) | 1st October 2004 | 2004/2523 |
| Section 3 (immigration documents: forgery) | 1st October 2004 | 2004/2523 |
| Section 6 (employment) | 1st October 2004 | 2004/2523 |
| 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)) | 1st October 2004 | 2004/2523 |

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|-----------------------------|---------------------------|
| Section 15 (fingerprinting) | 1st October 2004 | 2004/2523 |
| Section 18 (control of entry) | 1st October 2004 | 2004/2523 |
| Section 27 (unfounded human rights or asylum claim) | 1st October 2004 | 2004/2523 |
| Section 28 (appeal from within the United Kingdom) | 1st October 2004 | 2004/2523 |
| Section 29 (entry clearance) | 1st October 2004 | 2004/2523 |
| Section 30 (earlier right of appeal) | 1st October 2004 | 2004/2523 |
| Section 31 (seamen and aircrews: right of appeal) | 1st October 2004 | 2004/2523 |
| Section 33 (removing asylum-seeker to safe country) and Schedule 3 (removal of asylum-seeker to safe country) | 1st October 2004 | 2004/2523 |
| Section 34 (detention pending deportation) | 1st October 2004 | 2004/2523 |
| Section 36 (electronic monitoring) | 1st October 2004 | 2004/2523 |
| Section 37 (provision of immigration services) | 1st October 2004 | 2004/2523 |
| Section 38 (Immigration Services Commissioner: power of entry) | 1st October 2004 | 2004/2523 |
| Section 39 (offence of advertising services) | 1st October 2004 | 2004/2523 |
| Section 40 (appeal to Immigration Services Tribunal) | 1st October 2004 | 2004/2523 |
| Section 41 (professional bodies) | 1st October 2004 | 2004/2523 |
| Section 42 (amount of fees) | 1st October 2004 | 2004/2523 |
| Section 43 (transfer of leave stamps) | 1st October 2004 | 2004/2523 |
| Section 44 (interpretation: “the Immigration Acts”) | 1st October 2004 | 2004/2523 |
| Section 45 (interpretation: immigration officer) | 1st October 2004 | 2004/2523 |
| Section 46 (money) | 1st October 2004 | 2004/2523 |
| Section 47 and Schedule 4 (repeals), the entries | 1st October 2004 | 2004/2523 |

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|--|-----------------------------|-----------------|
| relating to section 8(9) of the Asylum and Immigration Act 1996, sections 11, 12, 85(1) and 87(3)(f) of the Immigration and Asylum Act 1999 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. | | |