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STATUTORY INSTRUMENTS

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**2005 No. 565**

The Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (Commencement No. 5 and Transitional Provisions) Order 2005

**Transitional provisions: general**

3.—(1) Where, immediately before commencement, an adjudicator or the Immigration Appeal Tribunal—

- (a) has completed the hearing of an appeal, but has not produced his or its written determination; or
- (b) has produced a written determination of an appeal but that determination has not been served on all the parties,

the appeal shall continue after commencement as an appeal to an adjudicator or the Immigration Appeal Tribunal, as the case may be, until the determination has been served on all the parties.

(2) A member of the Asylum and Immigration Tribunal who, immediately before commencement was—

- (a) an adjudicator; or
- (b) a member of the Immigration Appeal Tribunal,

shall, notwithstanding section 26(1), (4) and (5) of the 2004 Act, be deemed to remain an adjudicator or member of the Immigration Appeal Tribunal after commencement, to the extent necessary for the purpose of completing the determination of an appeal in the circumstances specified in paragraph (1) of this article.