

**2005 No. 671**

**IMMIGRATION**

**The Immigration (European Economic Area)(Amendment) (No. 2) Regulations 2005**

<i>Made</i> - - - -	<i>9th March 2005</i>
<i>Laid before Parliament</i>	<i>14th March 2005</i>
<i>Coming into force</i> - -	<i>4th April 2005</i>

The Secretary of State, in exercise of the powers conferred upon him by section 109 of the Nationality, Immigration and Asylum Act 2002(a) hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2005 and shall come into force on 4th April 2005.

**Amendment of Immigration (European Economic Area) Regulations 2000**

2.—(1) The Immigration (European Economic Area) Regulations 2000(b) are amended as follows.

(2) In regulation 27(1), for “adjudicator” there is substituted “Asylum and Immigration Tribunal”.

(3) In regulation 29(6) and (7), regulation 31(6), the heading to regulation 32, regulation 33(1B), the heading to Schedule 2 and Schedule 2, for “an adjudicator” there is substituted “the Asylum and Immigration Tribunal”.

(4) In Schedule 2, for “sections 101 to 103”, there is substituted “sections 103A to 103E”(c).

Home Office  
9th March 2005

*Des Browne*  
Minister of State

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(a) 2002 c. 41.

(b) S.I. 2000/2326, relevant amending instruments are S.I. 2003/549 and S.I. 2003/3188.

(c) Sections 103A to 103E were inserted by section 26(6) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c. 19).

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make changes to the Immigration (European Economic Area) Regulations 2000 (S.I. 2000/2326) (“the 2000 Regulations”) which are consequential to changes to the appeals system in the Nationality, Immigration and Asylum Act 2002 (“the 2002 Act”) made by the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (“the 2004 Act”).

The 2004 Act amended the 2002 Act so that appeals are no longer made to an adjudicator but to the new Asylum and Immigration Tribunal. The 2000 Regulations (as amended) provided for appeals under those regulations to be made to an adjudicator appointed under the 2002 Act. Consequently, these Regulations amend the 2000 Regulations so that references to appeals to adjudicators are changed to references to the Asylum and Immigration Tribunal and so that the new procedural provisions in the 2002 Act apply to appeals under the 2000 Regulations, in place of the old procedural provisions relating to appeals to adjudicators.

Transitional provisions which cover all appeals made to adjudicators appointed under the 2002 Act are included in the Asylum and Immigration (Treatment of Claimants, etc) 2004 (Commencement No. 5 and Transitional Provisions) Order 2005, which commences the relevant parts of the 2004 Act.

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