

2007 No. 835 (L. 5)

IMMIGRATION

**The Asylum and Immigration Tribunal (Procedure)
(Amendment) Rules 2007**

<i>Made</i>	- - - -	<i>14th March 2007</i>
<i>Laid before Parliament</i>		<i>14th March 2007</i>
<i>Coming into force</i>	- -	<i>10th April 2007</i>

The Lord Chancellor, in exercise of the powers conferred by sections 106(1) to (3) and 112(3) of the Nationality, Immigration and Asylum Act 2002(a), and section 40A(3) of the British Nationality Act 1981(b), after consulting with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1992(c), makes the following Rules:

Citation and commencement

1.—(1) These rules may be cited as the Asylum and Immigration Tribunal (Procedure) (Amendment) Rules 2007.

(2) These Rules shall come into force on 10th April 2007.

Amendments to the Asylum and Immigration Tribunal (Procedure) Rules 2005

2. In rule 19(1) of the Asylum and Immigration Tribunal (Procedure) Rules 2005(d)—

- (a) for “must”, substitute “may”;
- (b) omit “the party or his representative”;
- (c) insert at the beginning of sub-paragraph (a) “the party or his representative”; and
- (d) for sub-paragraph (b), substitute “(b) there is no good reason for such absence.”.

3. At the end of rule 62(7) of the Asylum and Immigration Tribunal (Procedure) Rules 2005, insert “, unless the Tribunal directs otherwise.”.

Signatory text

14th March 2007

Bridget Prentice
Parliamentary Under Secretary of State
Department for Constitutional Affairs

(a) 2002 c.41. Section 106 was amended by paragraph 21 of Schedule 2 to the Asylum and Immigration (Treatment of Claimants etc.) Act 2004 (c.19).
(b) 1981 c.61. Section 40A was inserted by section 4(1) of the Nationality, Immigration and Asylum Act 2002 (c.41) and amended by paragraph 4 of Schedule 2 to the Asylum and Immigration (Treatment of Claimants) Act 2004 (c.19).
(c) 1992 c.53.
(d) S.I. 2005/230, to which there are amendments not relevant to these Rules.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Asylum and Immigration Tribunal (Procedure) Rules 2005 (S.I. 2005/230), which came into force on 4th April 2005.

They amend rule 19 to give the Asylum and Immigration Tribunal a discretion to determine an appeal in the absence of a party or his representative if it is satisfied that the party or his representative has been given notice of the date, time and place of the hearing and that there is no good reason for the absence. Previously, the Tribunal was under a duty to determine the hearing in the absence of the party or his representative where rule 19 applied, and the explanation for the absence had to be given by the party or the representative.

They amend rule 62(7) to provide that the Asylum and Immigration Tribunal may permit a party to amend his grounds of appeal in a reconsideration hearing which takes place in circumstances where the party was granted permission to appeal by the Immigration Appeal Tribunal, but the appeal had not been determined by 4th April 2005.

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