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STATUTORY INSTRUMENTS

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**2014 No. 2768**

**IMMIGRATION**

**The Immigration (Notices) (Amendment) Regulations 2014**

*Made* - - - - *15th October 2014*  
*Laid before Parliament* *16th October 2014*  
*Coming into force* - - *6th November 2014*

The Secretary of State, in exercise of the powers conferred by sections 105 and 112(3) of the Nationality, Immigration and Asylum Act 2002(1), makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Immigration (Notices) (Amendment) Regulations 2014 and come into force on 6th November 2014.

**Amendments to the Immigration (Notices) Regulations 2003**

2.—(1) The Immigration (Notices) Regulations 2003(2) are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) omit the definition of “immigration decision”;
- (b) in the definition of “notice of appeal”, for “rules for the time being in force under section 106(1) of the 2002 Act” substitute “Procedure Rules”; and
- (c) in the definition of “Procedure Rules”, for “106(1) of the 2002 Act(3)” substitute “22 of, and Schedule 5 to, the Tribunals, Courts and Enforcement Act 2007(4)”.

(3) Omit regulation 3 (transitional provision).

(4) In regulation 4 (notice of decisions)—

- (a) in paragraph (1), for “immigration decision or” substitute “decision taken in respect of him which is appealable under section 82(1) of the 2002 Act(5) or any”; and
- (b) omit paragraphs (2) and (2A).

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(1) 2002 c. 41; section 112(3) was amended by S.I. 2010/21.

(2) S.I. 2003/658 as amended by S.I. 2006/2168, S.I. 2008/684, S.I. 2008/1819 and S.I. 2013/793.

(3) 2002 c. 41; section 106(1) was repealed by S.I. 2010/21.

(4) 2007 c. 15.

(5) 2002 c. 41; section 82(1) was amended by section 26(2) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19) and section 15(2) of the Immigration Act 2014.

- (5) In regulation 5 (contents of notice)—
- (a) in paragraph (1)(a), omit “and”;
  - (b) omit paragraphs (1)(b), (2) and (2A);
  - (c) in paragraph (3), omit “subject to paragraph 6.”;
  - (d) for paragraph (4), substitute—  
“*(4) The notice given under regulation 4 shall be accompanied by information about the process for providing a notice of appeal to the Tribunal and the time limit for providing that notice.*”; and
  - (e) omit paragraphs (5), (6), (7) and (8).
- (6) In regulation 7 (service of notice)—
- (a) for paragraph (3), substitute—  
“*(3) Where a notice has been given in accordance with paragraph (2) and then subsequently the person is located—*
    - (a) *he shall be given a copy of the notice and details of when and how it was given as soon as practicable; and*
    - (b) *the time limit for appeal under the Procedure Rules shall be calculated from the date the notice is deemed to have been given in accordance with paragraph (2).*”;
  - (b) for paragraph (4), substitute—  
“*(4) Where a notice is sent by post to a place outside the United Kingdom in accordance with paragraph (1)(c) it shall be deemed to have been received on the twenty-eighth day after it was posted, unless the contrary is proved.*”;
  - (c) in paragraph (5)—
    - (i) in sub-paragraph (a), omit “and”; and
    - (ii) omit sub-paragraph (b); and
  - (d) omit paragraph (6).

### **Transitional provision**

**3.** Regulation 2(4) and (5) of these Regulations only apply to a notice that is to be given in relation to a decision which is appealable under section 82(1) of the Nationality, Immigration and Asylum Act 2002, as amended by section 15(2) of the Immigration Act 2014<sup>(6)</sup>.

15th October 2014

*James Brokenshire*  
Minister of State  
Home Office

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## EXPLANATORY NOTE

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

These Regulations amend the Immigration (Notices) Regulations 2003 (“the 2003 Regulations”).

Regulation 4 of the 2003 Regulations specifies the circumstances in which a written notice of decision must be provided. Regulation 2(4) of these Regulations amends regulation 4 to provide that written notice must be given where a decision is appealable under section 82(1) of the Nationality, Immigration and Asylum Act 2002 (c. 41). Regulation 2(5) of these Regulations makes amendments to regulation 5 of the 2003 Regulations, which specifies the contents of the notice to be given under regulation 4 of the 2003 Regulations. The transitional provision in regulation 3 of these Regulations provides that regulation 2(4) and (5) only apply to a notice that is to be given in respect of a decision that is appealable under section 82(1), as amended by section 15(2) of the Immigration Act 2014 (c. 22).

These Regulations also amend regulation 7 of the 2003 Regulations to ensure that the provisions about service of notice accord with changes to the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014 (S.I. 2014/2406) that come into effect on 20th October 2014.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.