

SCHEDULES

SCHEDULE 4

APPEALS

PART II

EFFECT OF APPEALS

Stay on directions for removal

- 10 If a person in the United Kingdom appeals under section 59 or 69(1) on being refused leave to enter, any directions previously given by virtue of the refusal for his removal from the United Kingdom cease to have effect, except in so far as they have already been carried out, and no directions may be so given while the appeal is pending.
- 11 If a person in the United Kingdom appeals under section 66, 67 or 69(5) against any directions given under—
(a) section 10,
(b) Part I of Schedule 2 to the 1971 Act, or
(c) Schedule 3 to that Act,
for his removal from the United Kingdom, those directions except in so far as they have already been carried out, are to have no effect while the appeal is pending.
- 12 But the provisions of Part I of Schedule 2 or, as the case may be, Schedule 3 to the 1971 Act with respect to detention and persons liable to detention apply to a person appealing under section 59, 66, 67 or 69(1) or (5), as if there were in force directions for his removal from the United Kingdom, except that he may not be detained on board a ship or aircraft so as to compel him to leave the United Kingdom while the appeal is pending.
- 13 In calculating the period of two months limited by paragraph 8(2) of Schedule 2 to the 1971 Act for—
(a) the giving of directions under that paragraph for the removal of a person from the United Kingdom, and
(b) the giving of a notice of intention to give such directions,
any period during which there is pending an appeal by him under section 59, 67 or 69(1) of this Act is to be disregarded.
- 14 For the purposes of paragraphs 10 to 12 (but not for purposes of paragraph 13), except in so far as those paragraphs apply to appeals under section 69, where an appeal to an adjudicator is dismissed, an appeal is not to be regarded as pending unless immediately after the dismissal—
(a) the appellant gives notice of appeal against the determination of the adjudicator; or

Status: This is the original version (as it was originally enacted).

- (b) in a case in which leave to appeal against that determination is required and the adjudicator has power to grant leave, the appellant applies for and obtains the leave of the adjudicator.

- 15 If directions are given under Part I of Schedule 2 or Schedule 3 to the 1971 Act for a person's removal from the United Kingdom, and directions are also so given for the removal with him of persons belonging to his family, then if any of them appeals under section 59, 63, 66, 67 or 69(1) or (5), the appeal is to have the same effect under paragraphs 10 to 14 in relation to the directions given in respect of each of the others as it has in relation to the directions given in respect of the appellant.

Suspension of variation of limited leave

- 16 A variation is not to take effect while an appeal against the variation is pending under section 61 or 69(2).

Continuation of leave

- 17 (1) While an appeal under section 61 or 69(2) is pending, the leave to which the appeal relates and any conditions subject to which it was granted continue to have effect.
- (2) A person may not make an application for a variation of his leave to enter or remain while that leave is treated as continuing to have effect as a result of sub-paragraph (1).
- (3) For the purposes of section 61 or 69(2), in calculating whether, as a result of a decision, a person may be required to leave the United Kingdom within 28 days, a continuation of leave under this paragraph is to be disregarded.

Deportation orders

- 18 A deportation order is not to be made against a person under section 5 of the 1971 Act while an appeal duly brought under section 63(1)(a) or 69(4)(a) against the decision to make it is pending.
- 19 In calculating the period of 8 weeks set by section 5(3) of the 1971 Act for making a deportation order against a person as belonging to the family of another person, there is to be disregarded any period during which an appeal under section 63(1)(a) or 69(4)(a) against the decision to make the order is pending.

Appeals under section 65

- 20 (1) A person is not to be required to leave, or be removed from, the United Kingdom if an appeal under section 65 is pending against the decision on which that requirement or removal would otherwise be based.
- (2) That does not prevent—
- (a) directions for his removal being given during that period;
 - (b) a deportation order being made against him during that period.
- (3) But no such direction or order is to have effect during that period.