
STATUTORY INSTRUMENTS

2008 No. 1089 (L. 8)

IMMIGRATION

The Asylum and Immigration Tribunal (Fast Track Procedure) (Amendment) Rules 2008

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|-------------------------------|---------|------------------------|
| <i>Made</i> | - - - - | <i>11th April 2008</i> |
| <i>Laid before Parliament</i> | | <i>21st April 2008</i> |
| <i>Coming into force</i> | - - | <i>12th May 2008</i> |

The Lord Chancellor makes these Rules in exercise of the powers conferred by sections 106(1) to (3) and 112(3) of the Nationality, Immigration and Asylum Act 2002⁽¹⁾, and section 40A(3) of the British Nationality Act 1981⁽²⁾.

He has consulted the Administrative Justice and Tribunals Council in accordance with section 8 of the Tribunals and Inquiries Act 1992⁽³⁾.

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Asylum and Immigration Tribunal (Fast Track Procedure) (Amendment) Rules 2008 and come into force on 12th May 2008.

(2) In these Rules a reference to a rule or Schedule by number alone is to the rule or Schedule so numbered in or to the Asylum and Immigration Tribunal (Fast Track Procedure) Rules 2005⁽⁴⁾.

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

2. In rule 6—

- (a) in paragraph (e) delete “ and”;
- (b) in paragraph (f) for “19.” substitute “19;”;
- (c) after paragraph (f) insert—

(1) 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), by paragraph 9 of Schedule 1 to the Immigration, Asylum and Nationality Act 2006 (c.13) and by section 19 of the UK Borders Act 2007 (c.30) from a date to be appointed.

(2) 1981 c.61. Section 40A was substituted 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, etc.) Act 2004 (c.19) and by paragraph 9 of Schedule 1 to the Immigration, Asylum and Nationality Act 2006 (c.13).

(3) 1992 c.53. The Administrative Justice and Tribunals Council has replaced the Council on Tribunals under section 44 of and paragraph 30 of Schedule 8 to the Tribunals, Courts and Enforcement Act 2007 (c.15).

(4) S.I. 2005/560, to which there are amendments not relevant to these Rules.

“(g) rule 20, provided that this Part applies to all of the appeals proposed to be heard together.”

3. In rule 13—

- (a) re-number the existing provision as paragraph (1); and
- (b) after paragraph (1) insert—

“(2) The Tribunal may consider an appeal without a hearing where—

- (a) the person giving notice of appeal fails to comply with rule 8(2) of the Principal Rules; or
- (b) the Tribunal does not consider that the reasons given under rule 8(2)(b) of those Rules are satisfactory.”.

4. In Schedule 2, after “Harmondsworth Immigration Removal Centre, Harmondsworth, Middlesex”, insert “Oakington Reception Centre, Longstanton, Cambridgeshire”.

Signed by authority of the Lord Chancellor

11th April 2008

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Asylum and Immigration Tribunal (Fast Track Procedure) Rules 2005 (S.I. 2005/560) (“the Fast Track Rules”). The Fast Track Rules provide for a Fast Track Procedure for appeals to the Asylum and Immigration Tribunal, where the appellant is in detention under the Immigration Acts at a location specified in Schedule 2 to the Fast Track Rules.

Rule 2 provides that the provision in the Asylum and Immigration Tribunal (Procedure) Rules 2005 (S.I. 2005/230) (“the Principal Rules”) allowing two or more appeals to be heard together also applies to appeals to which the Fast Track Procedure applies (provided that the Fast Track Procedure applies to all of the appeals that are to be heard together).

Rule 3 empowers the Tribunal to consider an appeal without a hearing where the person giving notice of appeal fails to include with the notice of appeal the notice of decision to which the appeal relates, or the Tribunal considers that the reasons for not including it are unsatisfactory. This follows amendments to rules 8 and 15 of the Principal Rules by the Asylum and Immigration Tribunal (Procedure) (Amendment) Rules 2008 (S.I. 2008/1088 (L.7)).

Rule 4 inserts into Schedule 2 to the Principal Rules an additional immigration reception centre, at Oakington, Cambridgeshire, so that the Fast Track Procedure can apply to a person who is detained at that centre.

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