

## 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

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*Status: This is the original version (as it was originally enacted).*

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- (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.