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SCHEDULES

SCHEDULE 2

CONSEQUENTIAL AMENDMENTS

Immigration and Asylum Act 1999 (c. 33)

- 32 In section 65(3) of the Immigration and Asylum Act 1999 (acts made unlawful by section 6(1) of the Human Rights Act 1998), after “Kingdom,” there is inserted “racially discriminated against the appellant or”.
- 33 In section 65(5) of the Act of 1999—
- (a) after “concerned” there is inserted “—
 - (a) racially discriminated against the appellant; or
 - (b)”;
 - and
 - (b) for “that ground” there is substituted “the ground in question”.
- 34 For the side-note to section 65 of that Act, there is substituted “Racial discrimination and breach of human rights.”
- 35 In section 72(2)(a) of that Act (miscellaneous limitations on rights of appeal), after “rights” there is inserted “or racially discriminated against him”.
- 36 In section 73(2) of that Act (limitation on further appeals), after “a claim that” there is inserted “in taking a decision, a decision-maker racially discriminated against the appellant or that”.
- 37 In section 74(7) of that Act (duty to disclose grounds for appeal etc.), after paragraph (a) there is inserted—
- “(aa) if he claims that he was racially discriminated against, include notice of that claim;”.
- 38 In section 76(3)(a) of that Act (result of failure to give statement of additional grounds for appeal), for “breached the applicant's” there is substituted “racially discriminated against the applicant or breached his”.
- 39 In Schedule 4 to that Act (appeals), in paragraph 9(2) for the words “that the claim is one to which this paragraph applies” there is substituted “with the opinion expressed in the Secretary of State’s certificate”.
- 40 In that Schedule to that Act, after paragraph 9 there is inserted—

“Racial discrimination

- 9A (1) This paragraph applies to an appeal under Part IV of this Act by a person who claims that he has been racially discriminated against, if the Secretary of State has certified that, in his opinion, the claim is manifestly unfounded.

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- (2) If, on an appeal to which this paragraph applies, the adjudicator agrees with the opinion expressed in the Secretary of State's certificate, paragraph 22 does not confer on the appellant any right to appeal to the Immigration Appeal Tribunal.”