



# Asylum and Immigration (Treatment of Claimants, etc.) Act 2004

## 2004 CHAPTER 19

### *General*

#### **F144 Interpretation: “the Immigration Acts”**

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##### **Textual Amendments**

- F1** S. 44 repealed (30.3.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), s. 62(1)(2)64(3)(d), [Sch. 3](#)

#### **45 Interpretation: immigration officer**

In this Act “immigration officer” means a person appointed by the Secretary of State as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971.

##### **Commencement Information**

- II** S. 45 in force at 1.10.2004 by [S.I. 2004/2523](#), art. 2, [Sch.](#)

#### **46 Money**

There shall be paid out of money provided by Parliament—

- (a) any expenditure incurred by a Minister of the Crown in connection with this Act, and
- (b) any increase attributable to this Act in the sums payable under any other enactment out of money provided by Parliament.

**Changes to legislation:** Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, Cross  
Heading: General is up to date with all changes known to be in force on or before 18 April 2024. There  
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### Commencement Information

**I2** S. 46 in force at 1.10.2004 by S.I. 2004/2523, art. 2, Sch.

## 47 Repeals

The enactments listed in Schedule 4 are hereby repealed to the extent specified.

### Commencement Information

**I3** S. 47 in force at 1.10.2004 for specified purposes by S.I. 2004/2523, art. 2, Sch.

**I4** S. 47 in force at 14.6.2007 by S.I. 2007/1602, art. 2(2) (with art. 2(3))

## 48 Commencement

- (1) Sections 2, 32(2) and 35 shall come into force at the end of the period of two months beginning with the date on which this Act is passed.
- (2) Section 32(1) shall have effect in relation to determinations of the Special Immigration Appeals Commission made after the end of the period of two months beginning with the date on which this Act is passed.
- (3) The other preceding provisions of this Act shall come into force in accordance with provision made—
  - (a) in the case of section 26 or Schedule 1 or 2, by order of the Lord Chancellor,
  - (b) in the case of sections 4 and 5 in so far as they extend to Scotland, by order of the Scottish Ministers, and
  - (c) in any other case, by order of the Secretary of State.
- (4) An order under subsection (3)—
  - (a) may make transitional or incidental provision,
  - (b) may make different provision for different purposes, and
  - (c) shall be made by statutory instrument.
- (5) Transitional provision under subsection (4)(a) in relation to the commencement of section 26 may, in particular, make provision in relation to proceedings which, immediately before commencement—
  - (a) are awaiting determination by an adjudicator appointed, or treated as if appointed, under section 81 of the Nationality, Immigration and Asylum Act 2002 (c. 41),
  - (b) are awaiting determination by the Immigration Appeal Tribunal,
  - (c) having been determined by an adjudicator could be brought before the Immigration Appeal Tribunal,
  - (d) are awaiting the determination of a further appeal brought in accordance with section 103 of that Act,
  - (e) having been determined by the Immigration Appeal Tribunal could be brought before another court by way of further appeal under that section,
  - (f) are or could be made the subject of an application under section 101 of that Act (review of decision on permission to appeal to Tribunal), or

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- (g) are or could be made the subject of another kind of application to the High Court or the Court of Session.
- (6) Provision made under subsection (5) may, in particular—
  - (a) provide for the institution or continuance of an appeal of a kind not generally available after the commencement of section 26,
  - (b) provide for the termination of proceedings, or
  - (c) make any other provision that the Lord Chancellor thinks appropriate.

## 49 Extent

- (1) This Act extends (subject to subsection (2)) to—
  - (a) England and Wales,
  - (b) Scotland, and
  - (c) Northern Ireland.
- (2) An amendment effected by this Act has the same extent as the enactment, or as the relevant part of the enactment, amended (ignoring extent by virtue of an Order in Council).
- (3) Her Majesty may by Order in Council direct that a provision of this Act is to extend, with or without modification or adaptation, to—
  - (a) any of the Channel Islands;
  - (b) the Isle of Man.

### Modifications etc. (not altering text)

- C1** S. 49(3) power to extend (with modifications) (Channel Islands or Isle of Man) any amendments or repeals made to this Act by 2016 c. 19, to which this section relates (12.5.2016) by [Immigration Act 2016 \(c. 19\)](#), ss. [94\(5\)](#), [95\(6\)\(7\)\(f\)](#)
- C2** S. 49(3) power extended (28.4.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), ss. [86\(5\)\(6\)\(h\)](#), [87\(3\)\(c\)](#)

## 50 Short title

This Act may be cited as the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 8(1A)(1B) inserted by [2022 c. 36 s. 19\(2\)](#)
- s. 8(3A)(3B) inserted by [2022 c. 36 s. 19\(3\)](#)
- s. 8(6A)(6B) inserted by [2022 c. 36 s. 19\(4\)](#)
- s. 8(9A)(a) word inserted by [2022 c. 36 Sch. 3 para. 7\(b\)](#)
- s. 8(9A)(b) and word inserted by [2022 c. 36 Sch. 3 para. 7\(c\)](#)
- s. 8(9B) inserted by [2022 c. 36 s. 19\(6\)](#)
- Sch. 3 para. 3(3) inserted by [2023 c. 37 s. 10\(9\)\(a\)](#)
- Sch. 3 para. 8(3) inserted by [2023 c. 37 s. 10\(9\)\(b\)](#)
- Sch. 3 para. 13(3) inserted by [2023 c. 37 s. 10\(9\)\(c\)](#)