

## SCHEDULES

### SCHEDULE 9

Section 73

#### TRANSITIONAL AND CONSEQUENTIAL PROVISION

#### PART 1

##### PROVISION RELATING TO REMOVAL

##### *Immigration Act 1971 (c. 77)*

- 1 In Schedule 2 to the Immigration Act 1971 (administrative provisions as to control on entry etc), in paragraph 11, after “immigration officer” insert “or the Secretary of State”.

##### *Special Immigration Appeals Commission Act 1997 (c. 68)*

- 2 In section 2 of the Special Immigration Appeals Commission Act 1997 (jurisdiction: appeals), in subsection (2), after paragraph (c) insert—  
“(ca) section 78A of that Act (restriction on removal of children and their parents)”.

##### *Nationality, Immigration and Asylum Act 2002 (c. 41)*

- 3 (1) The Nationality, Immigration and Asylum Act 2002 is amended as follows.
- (2) In section 62 (detention by Secretary of State)—
- (a) in subsection (1)—
    - (i) in paragraph (a), after “under” insert “section 10 of the Immigration and Asylum Act 1999 (removal of persons unlawfully in the United Kingdom) or”;
    - (ii) in paragraph (b), for “paragraphs” substitute “provisions”;
  - (b) in subsection (2), for “that Act” substitute “the Immigration Act 1971”;
  - (c) omit subsections (5) and (6).
- (3) In section 76 (revocation of leave to enter or remain)—
- (a) in subsection (2), omit paragraphs (b) and (c);
  - (b) in subsection (4), omit the definition of “removed”.

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

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*2004 (c.19)*

- 4 In section 8(7) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (claimant’s credibility; definitions), in paragraph (d) of the definition of “immigration decision”, omit “(1)(a), (b), (ba) or (c)”.

*Immigration, Asylum and Nationality Act 2006 (c. 13)*

- 5 In the Immigration, Asylum and Nationality Act 2006, section 47 (removal of persons with statutorily extended leave) is repealed.

*Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)*

- 6 In Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (civil legal services), in paragraph 19(10), in the definition of “removal directions”, omit paragraph (e).

*Consequential repeals*

- 7 The provisions shown in the table below are repealed in consequence of the amendments made by section 1 and this Part of this Schedule.

<i>Title</i>	<i>Extent of repeal</i>
Nationality, Immigration and Asylum Act 2002	Section 73(2) to (4). Section 74. Section 75(4). Section 76(7).
Immigration, Asylum and Nationality Act 2006	Section 48.
Crime and Courts Act 2013	Section 51(3).
Immigration Act 2014	In Schedule 1, paragraph 2(3) and (4).

**PART 2**

PROVISION RELATING TO DETENTION AND BAIL

*Prison Act 1952 (c. 52)*

- 8 (1) Section 5A of the Prison Act 1952 (appointment and functions of Her Majesty’s Chief Inspector of Prisons) is amended as follows.
- (2) In subsection (5A)—
- (a) omit “and” at the end of paragraph (b);
  - (b) after paragraph (b) insert—
    - “(ba) in relation to pre-departure accommodation within the meaning of that section, and”.

- (3) In subsection (5B)—
- (a) in paragraph (a), after “facilities” insert “, accommodation”;
  - (b) in paragraph (b)(i), after “facilities” insert “, pre-departure accommodation”.

*Immigration Act  
1971 (c. 77)*

- 9 In Schedule 3 to the Immigration Act 1971 (supplementary provisions as to deportation), in paragraph 3, for “33” substitute “33A”.

*Special Immigration Appeals Commission Act 1997 (c. 68)*

- 10 (1) The Special Immigration Appeals Commission Act 1997 is amended as follows.
- (2) In section 5 (procedure in relation to SIAC’s jurisdiction on appeals and bail), after subsection (5) insert—
- “(5A) Rules under this section must secure that, where the Commission has decided not to release a person on bail under paragraph 22 or 29 of Schedule 2 to the Immigration Act 1971, the Commission is required to dismiss any further application by the person for release on bail that is made during the period of 28 days starting with the date of the Commission’s decision, unless there has been a material change in circumstances.”
- (3) In Schedule 3 (bail: modifications of Schedule 2 to the Immigration Act 1971), in paragraph 4, after sub-paragraph (1) insert—
- “(1A) In sub-paragraph (1) after “2002” there shall be inserted “or section 2 of the Special Immigration Appeals Commission Act 1997 or a review pending under section 2E of that Act.”

*Northern Ireland Act  
1998 (c. 47)*

- 11 In section 69C of the Northern Ireland Act 1998 (investigations: places of detention), in subsection (3)(g), for “or short-term holding facility” substitute “, a short-term holding facility or pre-departure accommodation”.

*Immigration and Asylum Act  
1999 (c. 33)*

- 12 (1) The Immigration and Asylum Act 1999 is amended as follows.
- (2) In Schedule 11 (detainee custody officers)—
- (a) in the heading above paragraph 3, at the end insert “and pre-departure accommodation”;
  - (b) in paragraph 3—
    - (i) in sub-paragraph (1), after “facility” insert “or in pre-departure accommodation”;
    - (ii) in sub-paragraph (2), after “facility” (in both places) insert “or accommodation”;
  - (c) in paragraph 4(c), after “facility” insert “or in pre-departure accommodation”;

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- (d) in paragraph 5(c), after “facility” insert “or in pre-departure accommodation”.
- (3) In Schedule 12 (discipline etc at removal centres)—
- (a) in paragraph 4 (assisting detained persons to escape)—
- (i) in sub-paragraph (1), for “or short-term holding facility” substitute “, a short-term holding facility or pre-departure accommodation”;
  - (ii) in the opening words of sub-paragraph (2), for “or short-term holding facility” substitute “, a short-term holding facility or pre-departure accommodation”;
  - (iii) in sub-paragraph (2)(a), for “or facility” substitute “, facility or accommodation”;
  - (iv) in sub-paragraph (2)(b), for “or facility” substitute “, facility or accommodation”;
  - (v) in sub-paragraph (2)(c), for “or facility” substitute “, facility or accommodation”;
- (b) in paragraph 8 (notice of penalties)—
- (i) in sub-paragraph (1), after “facility” insert “or contracted out pre-departure accommodation”;
  - (ii) in sub-paragraph (2), after “facility” insert “or pre-departure accommodation”.

*Nationality, Immigration and Asylum Act*  
*2002 (c. 41)*

- 13 In section 62 of the Nationality, Immigration and Asylum Act 2002 (detention by Secretary of State), in subsection (3), after paragraph (a) insert—
- “(aa) a reference in paragraph 18B of that Schedule to an immigration officer shall be read as a reference to the Secretary of State,”.

*Safeguarding Vulnerable Groups Act*  
*2006 (c. 47)*

- 14 In section 59 of the Safeguarding Vulnerable Groups Act 2006 (vulnerable adults), in subsection (7)(d), after “facility” insert “or in pre-departure accommodation”.

*Corporate Manslaughter and Corporate Homicide Act*  
*2007 (c. 19)*

- 15 In section 2 of the Corporate Manslaughter and Corporate Homicide Act 2007 (meaning of “relevant duty of care”)—
- (a) in subsection (2)(b), for “or short-term holding facility” substitute “, a short-term holding facility or in pre-departure accommodation”;
  - (b) in subsection (7), for “and “short-term holding facility”” substitute “, “short-term holding facility” and “pre-departure accommodation””.

*UK Borders Act*

*2007 (c. 30)*

- 16 In section 48 of the UK Borders Act 2007 (establishment of border and immigration inspectorate), in subsection (2A)(a), after “facilities” insert “and in pre-departure accommodation”.

**PART 3**

PROVISION RELATING TO BIOMETRICS

*Immigration and Asylum Act 1999 (c. 33)*

- 17 (1) The Immigration and Asylum Act 1999 is amended as follows.
- (2) Section 143 (destruction of fingerprints) is repealed.
- (3) In section 144(1) (power to make provision about other biometric information) for “, 142 and 143” substitute “and 142”.
- (4) Omit section 166(4)(g) (Parliamentary procedure for orders under section 143).

*Anti-terrorism, Crime and Security Act 2001 (c. 24)*

- 18 Section 36 of the Anti-terrorism, Crime and Security Act 2001 (which amends section 143 of the Immigration and Asylum Act 1999) is repealed.

*Nationality, Immigration and Asylum Act 2002 (c. 41)*

- 19 In section 126 of the Nationality, Immigration and Asylum Act 2002 (power to require provision of physical data with certain immigration applications) omit—
- (a) the “or” at the end of subsection (2)(b),
- (b) subsection (4)(g), and
- (c) subsection (5).

**PART 4**

PROVISION RELATING TO APPEALS

*Immigration Act 1971 (c. 77)*

- 20 The Immigration Act 1971 is amended as follows.
- 21 (1) Section 3C (continuation of leave pending variation decision) is amended as follows.
- (2) In subsection (2)—
- (a) omit the “or” at the end of paragraph (b);
- (b) after paragraph (c) insert “, or
- (d) an administrative review of the decision on the application for variation—
- (i) could be sought, or
- (ii) is pending.”

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- (3) After subsection (6) insert—
- “(7) In this section—
- “administrative review” means a review conducted under the immigration rules;
- the question of whether an administrative review is pending is to be determined in accordance with the immigration rules.”
- 22 (1) Section 3D (continuation of leave following revocation) is amended as follows.
- (2) In subsection (2)—
- (a) omit the “or” at the end of paragraph (a);
- (b) after paragraph (b) insert, “or
- (c) an administrative review of the variation or revocation—
- (i) could be sought, or
- (ii) is pending.”
- (3) After subsection (4) insert—
- “(5) In this section—
- “administrative review” means a review conducted under the immigration rules;
- the question of whether an administrative review is pending is to be determined in accordance with the immigration rules.”
- 23 In Schedule 2 (administrative provisions as to control on entry etc), in paragraph 2A(9), for “(immigration and asylum appeals)” substitute “(appeals in respect of protection and human rights claims)”.
- 24 In Schedule 3 (supplementary provisions as to deportation), in paragraph 3, for the words from “of the kind” to “order)” substitute “that relates to a deportation order”.

*British Nationality Act 1981 (c. 61)*

- 25 In section 40A of the British Nationality Act 1981 (deprivation of citizenship: appeal), in subsection (3)—
- (a) omit “, 83 or 83A”;
- (b) omit paragraph (a).

*Special Immigration Appeals Commission Act 1997 (c. 68)*

- 26 (1) The Special Immigration Appeals Commission Act 1997 is amended as follows.
- (2) In section 2 (jurisdiction: appeals)—
- (a) in subsection (1)(a), omit “, 83(2) or 83A(2)”;
- (b) in subsection (1)(b), omit “, 83(2) or 83A(2)”;
- (c) in subsection (2), omit paragraphs (d), (h) and (l);
- (d) omit subsections (3) and (4);
- (e) in subsection (5), omit “against an immigration decision”;
- (f) omit subsection (6).
- (3) In section 2B (appeal to SIAC against deprivation of citizenship), omit the words from “(and” to the end.

- (4) In section 6A (procedure in relation to review jurisdiction)—
- (a) in the heading, for “and 2D” substitute “to 2E”;
  - (b) in subsection (1), for “or 2D” substitute “, 2D or 2E”;
  - (c) in subsection (2)—
    - (i) in paragraph (a), for “or 2D” substitute “, 2D or 2E”;
    - (ii) in paragraph (b), for “or (as the case may be) 2D(2)” substitute “, 2D(2) or (as the case may be) 2E(2)”.
- (5) In section 7 (appeals from the Commission), in subsection (1A), for “or 2D” substitute “, 2D or 2E”.

*Immigration and Asylum Act 1999 (c. 33)*

- 27 The Immigration and Asylum Act 1999 is amended as follows.
- 28 Section 23 (monitoring refusals of entry clearance) is repealed.
- 29 (1) Section 141 (fingerprinting) is amended as follows.
- (2) In subsection (7)—
- (a) for paragraph (c) substitute—
    - “(c) any person (“C”) in respect of whom the Secretary of State has decided—
      - (i) to make a deportation order, or
      - (ii) that section 32(5) of the UK Borders Act 2007 (automatic deportation of foreign criminals) applies;
    - (ca) any person (“CA”) who requires leave to enter or remain in the United Kingdom but does not have it;”;
  - (b) in paragraph (f), for the words from “paragraph (c)” to the end substitute “paragraph (c)(ii)”.
- (3) In subsection (8), for paragraph (c) substitute—
- “(c) for C, when he is notified of the decision mentioned in subsection (7)(c);
  - (ca) for CA, when he becomes a person to whom this section applies;”.
- (4) In subsection (9)—
- (a) in paragraph (b), after “C” insert “, CA”;
  - (b) in paragraph (c)(i) for “relevant immigration decision” substitute “decision mentioned in subsection (7)(c)”;
  - (c) after paragraph (c) insert—
    - “(ca) for CA, when he no longer requires leave to enter or remain in the United Kingdom;”.
- (5) Omit subsection (16).

*Nationality, Immigration and Asylum Act 2002 (c. 41)*

- 30 The Nationality, Immigration and Asylum Act 2002 is amended as follows.
- 31 In section 72 (serious criminal), in subsection (9)(a)—

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- (a) omit “, 83, 83A or 101”;
  - (b) for the words from “that to remove him” to the end substitute “mentioned in section 84(1)(a) or (3)(a) of this Act (breach of the United Kingdom’s obligations under the Refugee Convention), and”.
- 32 In section 79 (deportation order: appeal), in subsection (1) for “against” substitute “that may be brought or continued from within the United Kingdom relating to”.
- 33 For the heading to Part 5, substitute “Appeals in respect of Protection and Human Rights Claims”.
- 34 In section 85 (matters to be considered)—
- (a) in subsection (2), for “84(1)” substitute “84”;
  - (b) in subsection (4)—
    - (i) omit “, 83(2) or 83A(2)”;
    - (ii) omit “evidence about”;
    - (iii) omit “evidence which concerns”.
- 35 Section 85A (matters to be considered: new evidence: exceptions) is repealed.
- 36 In section 86 (determination of appeal)—
- (a) in subsection (1), omit “, 83 or 83A”;
  - (b) in subsection (2), omit “(whether or not by virtue of section 85(1))”;
  - (c) omit subsections (3) to (6).
- 37 Sections 87 to 91 are repealed.
- 38 (1) Section 94 (appeal from within the United Kingdom) is amended as follows.
- (2) In the heading, for “asylum” substitute “protection”.
- (3) For subsections (1) to (2) substitute—
- “(1) The Secretary of State may certify a protection claim or human rights claim as clearly unfounded.”
- (4) In subsection (3)—
- (a) for “an asylum claimant or human rights” substitute “a”;
  - (b) for “subsection (2)” substitute “subsection (1)”.
- (5) In subsection (6A) for “an asylum claimant or human rights” substitute “a”.
- (6) In subsection (7), for the words from the beginning to “certifies that” substitute “The Secretary of State may certify a protection claim or human rights claim made by a person if”.
- (7) In subsection (8)(b), at the end insert “or with the United Kingdom’s obligations in relation to persons eligible for a grant of humanitarian protection”.
- (8) Omit subsection (9).
- 39 In section 94A (European Common List of Safe Countries of Origin)—
- (a) in subsection (2), for “an asylum claim” substitute “a protection claim”;
  - (b) in subsection (4) for “94(2)” substitute “94(1)”.
- 40 Section 95 (appeal from outside the United Kingdom: removal) is repealed.
- 41 (1) Section 96 (earlier right of appeal) is amended as follows.



- (2) In subsection (1)—
- (a) in the opening words, for the words from the beginning to “brought” substitute “A person may not bring an appeal under section 82 against a decision (“the new decision”)”;
  - (b) in paragraph (a), omit “immigration”;
  - (c) in paragraph (b) for “matter” substitute “ground”;
  - (d) in paragraph (c) for “matter” substitute “ground”.
- (3) For subsection (2) substitute—
- “(2) A person may not bring an appeal under section 82 if the Secretary of State or an immigration officer certifies—
- (a) that the person has received a notice under section 120  
(2)
  - (b) that the appeal relies on a ground that should have been, but has not been, raised in a statement made under section 120(2) or (5), and
  - (c) that, in the opinion of the Secretary of State or the immigration officer, there is no satisfactory reason for that ground not having been raised in a statement under section 120(2) or (5).”
- 42 In section 97 (national security etc)—
- (a) in subsection (1), omit “, 83(2) or 83A(2)”;
  - (b) in subsection (3), omit “, 83(2) or 83A(2)”.
- 43 In section 97A (national security: deportation)—
- (a) in subsection (2B), for the words from “breach” to the end substitute “be unlawful under section 6 of the Human Rights Act 1998 (public authority not to act contrary to Human Rights Convention)”;
  - (b) omit subsections (2D), (2E) and (3).
- 44 Section 97B (variation of leave on grounds of public good: rights of appeal) is repealed.
- 45 Section 98 (other grounds of public good) is repealed.
- 46 In section 99—
- (a) in the heading, for “Sections 97 and 98” substitute “Section 97”;
  - (b) in subsection (1), omit “or 98”.
- 47 (1) Section 104 (pending appeal) is amended as follows.
- (2) Omit subsection (4).
  - (3) In subsection (4A), for “subsections (4B) and (4C)” substitute “subsection (4B)”.
  - (4) In subsection (4B)—
    - (a) for “the ground relating to the Refugee Convention specified in section 84(1)(g)” substitute “a ground specified in section 84(1)(a) or (b) or 84(3) (asylum or humanitarian protection)”;
    - (b) omit paragraph (a) (and the “and” immediately following it).
  - (5) Omit subsections (4C) and (5).
- 48 (1) Section 105 (notice of immigration decision) is amended as follows.

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- (2) In subsection (1), for “immigration” substitute “appealable”.
- (3) In subsection (2)—
- (a) in the opening words, for “a decision against which the person is entitled to appeal under section 82(1)” substitute “an appealable decision”;
  - (b) in paragraph (a) for “that section” substitute “section 82”.
- (4) At the end insert—
- “(4) In this section “appealable decision” means a decision mentioned in section 82(1).”
- 49 In section 106 (rules)—
- (a) in subsection (3), omit “, 83 or 83A”;
  - (b) in subsection (4), omit “, 83 or 83A”.
- 50 In section 107 (practice directions), in subsection (3), omit “, 83 or 83A”.
- 51 In section 108 (forged documents: proceedings in private), in subsection (1)(a), omit “, 83 or 83A”.
- 52 In section 112 (regulations etc)—
- (a) omit subsection (3A);
  - (b) in subsection (4), omit “or 115(8)”;
  - (c) in subsection (5), omit “or 115(9)”.
- 53 (1) Section 113 (interpretation) is amended as follows.
- (2) In subsection (1)—
- (a) in the definition of “human rights claim”—
    - (i) after “Kingdom” insert “or to refuse him entry into the United Kingdom”;
    - (ii) omit “as being incompatible with his Convention rights”;
  - (b) at the appropriate places insert—
 

““humanitarian protection” has the meaning given in section 82(2);”

““protection claim” has the meaning given in section 82(2);”

““protection status” has the meaning given in section 82(2);”
  - (c) omit the definitions of “entry clearance”, “illegal entrant”, “prescribed”, “visitor” and “work permit”;
  - (d) in the definition of “immigration rules”, for “that Act” substitute “the Immigration Act 1971”.
- (3) Omit subsection (2).
- 54 Section 115 (appeal from within United Kingdom: unfounded human rights or asylum claim: transitional provision) is repealed.
- 55 For section 120 (requirement to state additional grounds for application) substitute—

**“120 Requirement to state additional grounds for application etc**

- (1) Subsection
- (2)
- applies to a person (“P”) if—

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

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- (a) P has made a protection claim or a human rights claim,
  - (b) P has made an application to enter or remain in the United Kingdom, or
  - (c) a decision to deport or remove P has been or may be taken.
- (2) The Secretary of State or an immigration officer may serve a notice on P requiring P to provide a statement setting out—
  - (a) P’s reasons for wishing to enter or remain in the United Kingdom,
  - (b) any grounds on which P should be permitted to enter or remain in the United Kingdom, and
  - (c) any grounds on which P should not be removed from or required to leave the United Kingdom.
- (3) A statement under subsection (2) need not repeat reasons or grounds set out in—
  - (a) P’s protection or human rights claim,
  - (b) the application mentioned in subsection (1)(b), or
  - (c) an application to which the decision mentioned in subsection (1)(c) relates.
- (4) Subsection (5) applies to a person (“P”) if P has previously been served with a notice under subsection (2) and—
  - (a) P requires leave to enter or remain in the United Kingdom but does not have it, or
  - (b) P has leave to enter or remain in the United Kingdom only by virtue of section 3C or 3D of the Immigration Act 1971 (continuation of leave pending decision or appeal).
- (5) Where P’s circumstances have changed since the Secretary of State or an immigration officer was last made aware of them (whether in the application or claim mentioned in subsection (1) or in a statement under subsection (2) or this subsection) so that P has—
  - (a) additional reasons for wishing to enter or remain in the United Kingdom,
  - (b) additional grounds on which P should be permitted to enter or remain in the United Kingdom, or
  - (c) additional grounds on which P should not be removed from or required to leave the United Kingdom,P must, as soon as reasonably practicable, provide a supplementary statement to the Secretary of State or an immigration officer setting out the new circumstances and the additional reasons or grounds.

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

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(6) In this section—

“human rights claim” and “protection claim” have the same meanings as in Part 5;  
 references to “grounds” are to grounds on which an appeal under Part 5 may be brought (see section 84).”

*Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c. 19)*

56 (1) Schedule 3 to the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (removal of asylum seeker to safe third country) is amended as follows.

(2) In paragraph 1, at the end insert—

“(3) Section 92 of the Nationality, Immigration and Asylum Act 2002 makes further provision about the place from which an appeal relating to an asylum or human rights claim may be brought or continued.”

(3) In paragraph 5—

- (a) omit sub-paragraph (2);
- (b) in sub-paragraph (3), for the words from “by virtue of” to “rights” substitute “from within the United Kingdom”;
- (c) in sub-paragraph (4), for “by virtue of section 92(4)(a) of that Act” substitute “from within the United Kingdom”.

(4) In paragraph 10—

- (a) omit sub-paragraph (2);
- (b) in sub-paragraph (3), for the words from “by virtue of” to “rights” substitute “from within the United Kingdom”;
- (c) in sub-paragraph (4), for “by virtue of section 92(4)(a) of that Act” substitute “from within the United Kingdom”.

(5) In paragraph 15—

- (a) omit sub-paragraph (2);
- (b) in sub-paragraph (3), for the words from “by virtue of” to “rights” substitute “from within the United Kingdom”;
- (c) in sub-paragraph (4), for “by virtue of section 92(4)(a) of that Act” substitute “from within the United Kingdom”.

(6) In paragraph 19—

- (a) omit paragraph (a);
- (b) in paragraph (b), for the words from “by virtue of” to “rights” substitute “from within the United Kingdom”;
- (c) in paragraph (c), for “by virtue of section 92(4)(a) of that Act” substitute “from within the United Kingdom”.

*Immigration, Asylum and Nationality Act 2006 (c. 13)*

57 (1) The Immigration, Asylum and Nationality Act 2006 is amended as follows.

(2) In section 12(3) (new definition of human rights claims), in paragraph (a) of the definition of “human rights claim”—

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

- (a) after “Kingdom” insert “or to refuse him entry into the United Kingdom”;
  - (b) omit “as being incompatible with his Convention rights”.
- (3) Section 13 (appeal from within the United Kingdom: certification of unfounded claim) is repealed.
- (4) In section 55 (Refugee Convention: certification), in subsection (2)(a)—
- (a) in sub-paragraph (i), omit “, 83 or 101”;
  - (b) for sub-paragraph (ii) substitute—
    - “(ii) which is brought on the ground mentioned in section 84(1)(a) or (3)(a) of that Act (breach of United Kingdom’s obligations under the Refugee Convention);”.
- (5) In Schedule 1 (consequential amendments) paragraph 11 (amendment to section 112(5) of the 2002 Act) is repealed.

*UK Borders Act 2007 (c. 30)*

- 58 In section 17 of the UK Borders Act 2007 (support for failed asylum-seekers), in subsection (2)—
- (a) in paragraph (a), omit “against an immigration decision”;
  - (b) in paragraph (b), omit “against an immigration decision”.

*Equality Act 2010 (c. 15)*

- 59 In section 115 of the Equality Act 2010 (immigration cases), in subsection (8) after “2D” insert “and 2E”.

*Consequential repeals*

- 60 The provisions shown in the table below are repealed in consequence of the amendments made by sections 15 to 18 and this Part of this Schedule.

<i>Title</i>	<i>Extent of repeal</i>
Nationality, Immigration and Asylum Act 2002	In Schedule 7, paragraph 27.
Asylum and Immigration (Treatment of Claimants, etc) Act 2004	Section 15(2), (3) and (5). Section 26(2) and (3). Section 27(2) and (3). Sections 28 and 29. Section 31.
Immigration, Asylum and Nationality Act 2006	In Schedule 2, paragraphs 18(2)(c) and 19. Sections 1 to 6. Section 11(6). Section 47(6) to (8). Section 57(2).

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<i>Title</i>	<i>Extent of repeal</i>
UK Borders Act 2007	In Schedule 1, paragraphs 2 to 6, 10, 11, 13, 14(a) and (c). Section 19. Section 35(3).
Borders, Citizenship and Immigration Act 2009	Section 51(3).
Crime and Courts Act 2013	Section 51(1). Sections 52 and 53.

## PART 5

### PROVISION RELATING TO EMPLOYMENT

#### *Immigration, Asylum and Nationality Act 2006 (c. 13)*

- 61 In section 15 of the Immigration, Asylum and Nationality Act 2006 (penalty), in subsection (6)(e), after “penalty” insert “or make an appeal against it”.

## PART 6

### PROVISION RELATING TO DRIVING LICENCES

#### *Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1))*

- 62 In Article 5 of the Road Traffic (Northern Ireland) Order 1981 (tests of competence to drive)—
- (a) in paragraph (1), omit “meets the relevant residence requirement and”;
  - (b) omit paragraph (1A);
  - (c) in paragraph (4)(aa) for “normally resident in Northern Ireland or the United Kingdom” insert “normally and lawfully resident in Northern Ireland or the United Kingdom (within the meaning of Article 13A)”.

#### *Road Traffic Act 1988 (c. 52)*

- 63 In section 89 of the Road Traffic Act 1988 (tests of competence to drive)—
- (a) in subsection (1), omit “meets the relevant residence requirement and”;
  - (b) omit subsection (1A);
  - (c) in subsection (4)(aa) for “normally resident in Great Britain or the United Kingdom” substituted “normally and lawfully resident in Great Britain or the United Kingdom (within the meaning of section 97A)”.

*Road Safety Act 2006 (c. 49)*

- 64 In Schedule 3 to the Road Safety Act 2006 (endorsement: all drivers), in paragraph 9—
- (a) after sub-paragraph (3) insert—
    - “(3A) In subsection (3ZA), omit “and its counterpart”.”;
  - (b) in sub-paragraph (6A)(b), at the end insert “in both places”.

*Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10))*

- 65 In Schedule 5 to the Road Traffic (Northern Ireland) Order 2007 (endorsement: all drivers: consequential amendments), in paragraph 6, after sub-paragraph (a) insert—
- “(aa) in paragraph (5ZA), omit “and its counterpart”.”

## PART 7

### PROVISION RELATING TO MARRIAGE AND CIVIL PARTNERSHIP

*Transitional provision*

- 66 The provisions of sections 48 to 51, and the amendments made by Schedule 4, apply only to proposed marriages and civil partnerships in respect of which notice under section 27 of the Marriage Act 1949 or under section 8 of the Civil Partnership Act 2004 is given after the day on which the provisions and amendments come into force.

## PART 8

### PROVISION RELATING TO IMMIGRATION ADVISERS AND IMMIGRATION SERVICE PROVIDERS

*Transitional provision*

- 67 (1) On the day on which paragraph 2 of Schedule 7 comes into force the Immigration Services Commissioner must register in the register maintained under section 85(1) of the Immigration and Asylum Act 1999 each person who, immediately before that day, was an exempt person (within the meaning given by section 84(4)(a) of that Act).
- (2) The registration of a person by reason of sub-paragraph (1) may be made so as to have effect only in relation to a specified field of advice or services.
- 68 (1) In the provisions listed in sub-paragraph (2)—
- (a) references to a person who, at the time to which a charge or (as the case may be) a complaint relates, was a registered person do not include a person who ceased to be a registered person before the day on which paragraph

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

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- 7  
of Schedule 7 comes into force;
- (b) references to a person who, at the time to which a charge or (as the case may be) a complaint relates, was acting on behalf of a registered person do not include—
- (i) a person who ceased to act on behalf of a registered person before that day;
- (ii) a person who was acting on behalf of a person who ceased to be a registered person before that day.
- (2) The provisions are—
- (a) section 89(2) to (2B) of the Immigration and Asylum Act 1999;
- (b) paragraph 5(3)(za), (aa) and (d) of Schedule 5 to that Act;
- (c) paragraph 9(1)(a), (1A) and (4)(a) of Schedule 5 to that Act.
- 69 (1) The provisions listed in paragraph 68(2) (apart from paragraph 5(3)(d) of Schedule 5 to the Immigration and Asylum Act 1999) apply in relation to a person who—
- (a) was an exempt person immediately before the day on which paragraph 2  
of Schedule 7 comes into force, and
- (b) became a registered person on that day by virtue of paragraph 67(1)
- ,
- as if, while the person was an exempt person, the person had been a registered person.
- (2) In paragraph 10A(2)(a) of Schedule 5 to the Immigration and Asylum Act 1999, the reference to premises which have been used in connection with the provision of immigration advice or immigration services by a registered person includes premises which have been so used by an exempt person.
- (3) In this paragraph “exempt person” has the meaning given by section 84(4)(a) of the Immigration and Asylum Act 1999.

## PART 9

### PROVISION RELATING TO PERSONS UNABLE TO ACQUIRE NATIONALITY BECAUSE NATURAL FATHER NOT MARRIED TO MOTHER

#### *British Nationality Act 1981*

- 70 (1) The British Nationality Act 1981 is amended as follows.
- (2) In section 14 (meaning of “British citizen “by descent””), in subsection (1), after paragraph (d) insert—
- “(da) the person is a British citizen by descent by virtue of section 4F(3), 4G(2), 4H(2) or 4I(4); or”.
- (3) In section 41A (registration: requirement to be of good character), in subsection (1), after “4D,” insert “4F, 4G, 4H, 4I”.



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

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*British Nationality (General) Regulations 2003*

- 71 (1) In regulation 14 of the British Nationality (General) Regulations 2003—
- (a) after “4D(3)” insert “or 4G(3)”;
  - (b) after “section 4D” insert “or 4G”.
- (2) The provision inserted into regulation 14 by this paragraph may be amended or revoked by the exercise of the powers conferred by section 41 of the British Nationality Act 1981 as if that provision had been inserted by those powers.

**PART 10**

PROVISION RELATING TO EMBARKATION CHECKS

*Transitional provision*

- 72 (1) Any order or direction under paragraph 5 of Schedule 2 to the Immigration Act 1971 that has effect immediately before commencement has, after commencement, the same effect in relation to the production of embarkation cards to designated persons as it has in relation to the production of such cards to immigration officers.
- (2) This paragraph is subject to the exercise, after commencement, of the powers under paragraph 5 of Schedule 2 to the Immigration Act 1971.
- (3) In this paragraph “commencement” means the day when the amendments made by Part 1 of Schedule 8 come into force.

**PART 11**

PROVISION RELATING TO FEES

*Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19)*

- 73 (1) Section 42 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (amount of fees) is amended as follows.
- (2) Omit subsections (1) to (2A).
- (3) For subsection (3A) substitute—
- “(3A) The amount of a fee under section 1 of the Consular Fees Act 1980 in respect of a matter specified in subsection (3B) may be set so as to reflect costs referable to the exercise of any function in respect of which the Secretary of State has made an order under section 68 of the Immigration Act 2014.
- (3B) The matters are—
- (a) the determination of applications for entry clearances (within the meaning given by section 33(1) of the Immigration Act 1971),
  - (b) the determination of applications for transit visas under section 41 of the Immigration and Asylum Act 1999, or

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

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- (c) the determination of applications for certificates of entitlement to the right of abode in the United Kingdom under section 10 of the Nationality, Immigration and Asylum Act 2002.”

(4) In subsection (4) omit “(1)(b) or”.

(5) In subsection (7) omit from “(and any provision” to the end.

*Immigration, Asylum and Nationality Act 2006 (c. 13)*

- 74 Sections 51 and 52 of the Immigration, Asylum and Nationality Act 2006 (fees) are repealed.

*UK Borders Act 2007 (c. 30)*

- 75 For section 15(2)(b) of the UK Borders Act 2007 (application of certain provisions to applications for biometric immigration documents) substitute—  
“(b) section 68 of the Immigration Act 2014 (fees);”.

*Consequential repeals*

- 76 The following provisions are repealed in consequence of the amendments made by this Part of this Schedule—
- (a) paragraph 6 of Schedule 2 to the Immigration, Asylum and Nationality Act 2006;
  - (b) section 20 of the UK Borders Act 2007.