

SCHEDULES

SCHEDULE 12

AVAILABILITY OF LOCAL AUTHORITY SUPPORT

5 After paragraph 2 insert—

- “2A (1) Paragraph 1(1)(g) or (ga) does not prevent the provision of support or assistance under a relevant provision to a person to whom paragraph 1 would otherwise apply by virtue of paragraph 7B if—
- (a) conditions A and B are satisfied in relation to that person, and
 - (b) condition C, D or E is satisfied in relation to that person.
- (2) In sub-paragraph (1) “relevant provision” means—
- (a) section 23C, 23CZA or 23CA of the Children Act 1989,
 - (b) regulations under section 23D of that Act, or
 - (c) section 24A or 24B of that Act.
- (3) Condition A is that—
- (a) the person has made an application for leave to enter or remain in the United Kingdom, and
 - (b) where regulations made by the Secretary of State require that the application must be of a kind specified in the regulations for this condition to be satisfied, the application is of that kind.
- (4) Condition B is that—
- (a) the application is the first application for leave to enter or remain in the United Kingdom that the person has made, or
 - (b) where regulations under sub-paragraph (3)(b) require that the application must be of a kind specified in the regulations for condition A to be satisfied, the application is the first application of that kind that the person has made.
- (5) Condition C is that the application has not been determined or withdrawn.
- (6) Condition D is that—
- (a) the application has been refused,
 - (b) the person could bring an appeal under section 82(1) against the refusal (ignoring any possibility of an appeal out of time with permission), and
 - (c) if the person brought such an appeal, it would not be one that, by virtue of section 92(6), would have to be continued from outside the United Kingdom.
- (7) Condition E is that—
- (a) the application has been refused,

Status: This is the original version (as it was originally enacted).

- (b) the person has appealed under section 82(1) against the refusal,
 - (c) the appeal is not one that, by virtue of section 92(6), must be continued from outside the United Kingdom, and
 - (d) the appeal is pending within the meaning of section 104.
- (8) For the purposes of sub-paragraph (3) the Secretary of State may by regulations provide for circumstances in which—
 - (a) a person is to be treated as having made an application for leave to enter or remain in the United Kingdom (despite not having made one), or
 - (b) a person is to be treated as not having made such an application where the Secretary of State is satisfied that the application made is vexatious or wholly without merit.”