
STATUTORY INSTRUMENTS

2000 No. 3099 (C. 97)

IMMIGRATION

**The Immigration and Asylum Act 1999 (Commencement
No. 8 and Transitional Provisions) Order 2000**

Made - - - - 19th November 2000

In exercise of the powers conferred upon him by sections 166(3) and 170(4) and (5) of the Immigration and Asylum Act 1999(1), the Secretary of State hereby makes the following Order:

Citation and interpretation

1. This Order may be cited as the Immigration and Asylum Act 1999 (Commencement No. 8 and Transitional Provisions) Order 2000.

2. In this Order “the 1999 Act” means the Immigration and Asylum Act 1999.

Commencement

3. The provisions of the 1999 Act specified in column 1 of the Schedule to this Order shall come into force on 11th December 2000, but where a particular purpose is specified in relation to any such provision in column 2 of that Schedule, the provision shall come into force on that date only for that purpose.

Amendment

4. With effect from 27th November 2000, the Immigration and Asylum Act 1999 (Commencement No. 7) Order 2000(2) is amended as follows—

- (a) in article 2, after “1st January 2001” insert “, subject to the transitional provision contained in article 3,”; and
- (b) after article 2 insert—

“Transitional Provision

3. The provisions of the 1949 Act as they are in force on 31st December 2000 shall continue to apply in respect of any marriage, notice of which has been entered in the marriage notice book for—

(1) 1999 c. 33.
(2) S.I. 2000/2698 (C. 76).

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- (a) the registration district referred to in section 27(1)(a) or (2) of the 1949 Act, or
- (b) each registration district referred to in section 27(1)(b) of the 1949 Act,

before 1st January 2001.”.

5. With effect from 27th November 2000, the limitations on the taking effect of a variation and on a requirement to leave the United Kingdom contained in section 14(1) of the Immigration Act 1971⁽³⁾ and in paragraph 7 of Schedule 2 to the Asylum and Immigration Appeals Act 1993⁽⁴⁾ (as continued in force by paragraphs 2(5) and 3(4) of Schedule 2 to the Immigration and Asylum Act 1999 (Commencement No. 6 and Consequential Provisions) Order 2000⁽⁵⁾) are to be disregarded in calculating, for the purposes of section 61 or 69(2) of the 1999 Act, whether, as a result of a decision, a person may be required to leave the United Kingdom within 28 days.

Home Office
19th November 2000

Barbara Roche
Minister of State

(3) 1971 c. 77.
(4) 1993 c. 23.
(5) S.I. 2000/2444 (C. 69).

THE SCHEDULE

Article 2

<i>Column 1</i>	<i>Column 2</i>
Section 13 (Proof of identity of persons to be removed or deported).	
Sections 141 to 144 (Fingerprinting, Attendance for fingerprinting, Destruction of fingerprints and Other methods of collecting data about physical characteristics).	
Section 169(1) and (3).	So far as relating to the provisions of Schedules 14 and 16 commenced by this Order.
In Schedule 14, paragraph 61.	
In Schedule 16 (Repeals), the entry relating to section 3 of the Asylum and Immigration Appeals Act 1993.	

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 11th December 2000, the following provisions of the 1999 Act, so far as not already in force:

- (a) section 13 which permits the Secretary of State to provide identification data relating to a person who is to be removed from the United Kingdom to the country to which the person is to be removed if it indicates that he will not be admitted to it unless such data is provided;
- (b) section 141 which authorises the taking of fingerprints from certain persons;
- (c) section 142 which states that the Secretary of State may require a person to attend a specified place for fingerprinting and that a person who does not comply may be arrested;
- (d) section 143 which makes provision for the destruction of fingerprints;
- (e) section 144 which gives the Secretary of State power to make regulations in relation to other methods of collecting data about external physical characteristics;
- (f) a consequential amendment in Schedule 14 together with an entry in the repeals Schedule, Schedule 16.

This Order also inserts a transitional provision into the Immigration and Asylum Act 1999 (Commencement No.7) Order 2000 (S.I.2000/2698 (C. 76)) relating to marriages of which notice has been entered into the marriage notice book before 1st January 2001.

This Order also makes a further transitional provision for Part IV of the 1999 Act. The effect of article 5 is that where a person has applied for a variation of leave on the grounds of asylum and other grounds, and he is refused on one element of the application and appeals that decision before 2nd October 2000 and on or after that date is refused on the other ground, he may appeal both aspects,

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notwithstanding that, in the case of the appeal on the other ground, he is not required to leave within 28 days because of his outstanding appeal on the first ground.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Immigration and Asylum Act 1999 have been or will be brought into force on the dates shown by commencement orders before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 and 2 (Leave to enter; leave to remain).	14th February 2000	2000/168
Section 3 (Continuation of leave pending decision).	2nd October 2000	2000/2444
Sections 6 and 7 (Members of Missions other than diplomatic agents; Persons ceasing to be exempt).	1st March 2000	2000/168
Section 8 (Persons excluded from the United Kingdom under International Obligations).	1st March 2000	2000/168
Section 10(6) (Removal disreactions: prescribed class of persons to whom they may be given; imposition of prescribed requirements).	22nd May 2000	2000/1282
Section 10 (Removal of certain persons unlawfully in the United Kingdom) (so far as not already in force).	2nd October 2000	2000/2444
Section 11 (Removal of asylum claimants under standing arrangements with Member States).	2nd October 2000	2000/2444
Section 12(1) (in part) (Designation of countries other than EU Member States to which asylum claimants may be removed).	22nd May 2000	2000/1282
Section 12 (Removal of asylum claimants other than under standing arrangements with Member States) (so far as not already in force).	2nd October 2000	2000/2444

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 14 (Escorts for persons removed from the United Kingdom under directions).	1st March 2000	2000/168
Section 18 (in part) (Passenger information).	1st March 2000	2000/464
Sections 18 (so far as not already in force) and 19 (Notification of non-EEA arrivals).	3rd April 2000	2000/464
Sections 20 and 21 (Supply of information to and by Secretary of State).	1st January 2000	1999/3190
Section 23 (Monitoring refusals of entry clearance).	2nd October 2000	2000/2444
Section 24 (Reporting suspicious marriages).	1st January 2001	2000/2698
Sections 28, 29(1) (in part) (2) and (4) and 30 (Offences).	14th February 2000	2000/168
Section 29 (Facilitation of Entry) (so far as not already in force).	2nd October 2000	2000/2444
Section 32(2)(a), (3) and (10) (in part) (Prescribed penalty for carrying clandestines; prescribed period for payment; and prescribed control zone).	6th December 1999	1999/3190
Section 33 (Clandestine entrants: Code of practice).	6th December 1999	1999/3190
Section 35(7) to (9) (in part) (Clandestine entrants: period for giving notice of objection and service of notices on detached trailers).	6th December 1999	1999/3190
Section 36(2)(a) (in part) (Clandestine entrants: prescribed period for payment of penalty).	6th December 1999	1999/3190
Section 37(6) (in part) (Sale of transporters).	6th December 1999	1999/3190
Sections 32 and 34 to 37 (in part) (so far as not already in force) (Clandestine entrants).	3rd April 2000	2000/464

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 32 and 34 to 37 (Clandestines) (so far as not already in force).	18th September 2000	2000/2444
Section 38 (Assisting illegal entry and harbouring).	3rd April 2000	2000/464
Section 39 (Clandestine entrants: Rail freight).	6th December 1999	1999/3190
Section 40(9) and (10) (Carriers' Liability: trains: international agreement for controls).	6th December 1999	1999/3190
Section 42(8) (in part) (Sale of transporters).	6th December 1999	1999/3190
Section 43 (Interpretation of Part II).	6th December 1999	1999/3190
Sections 56 (The Immigration Appeal Tribunal) and 57 (Adjudicators).	14th February 2000	2000/168
Section 58(2) (in part) (Part I of Schedule 4 to the Act).	14th February 2000	2000/168
Section 58(2) (in part) (Part I of Schedule 4 to the Act).	22nd May 2000	2000/1282
Section 60(6) and (10) (Family visitor appeals: fees; definition of family visitor).	22nd May 2000	2000/1282
Section 72(3) (in part) (Miscellaneous Limitations on rights of appeal).	22nd May 2000	2000/1282
Section 74 (in part) (One-stop procedure: duty to disclose grounds for appeal etc).	22nd May 2000	2000/1282
Section 75 (in part) (One-stop procedure: duty to disclose grounds for entering etc the United Kingdom).	22nd May 2000	2000/1282
Section 76(6) (Result of failure to comply with section 74: definition of family member etc).	22nd May 2000	2000/1282
Section 80 (EEA Nationals).	22nd May 2000	2000/1282
Part IV (appeals) (including Schedules 2, 3 and 4) (except for section 79 and so far as not already in force).	2nd October 2000	2000/2444

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 82 (Interpretation of Part V).	22nd May 2000	2000/1282
Section 83 (in part) (The Commissioner).	22nd May 2000	2000/1282
Section 83(4) and (5) (The Commissioner) (so far as not already in force).	30th October 2000	2000/1985
Section 84(2)(a) and (b), (4)(a) and (d), (5) and (7) (Provision of immigration services).	30th October 2000	2000/1985
Section 85(3) (Schedule 6).	1st August 2000	2000/1985
Section 85 (Registration and exemption by the Commissioner) (so far as not already in force).	30th October 2000	2000/1985
Section 86(1) to (9) (Designated professional bodies).	22nd May 2000	2000/1282
Section 86(10) to (12) (Designated professional bodies).	30th October 2000	2000/1985
Section 87(5) (The Tribunal).	1st August 2000	2000/1985
Section 87 (The Tribunal) (so far as not already in force).	30th October 2000	2000/1985
Section 88 (Appeal upheld by the Tribunal).	30th October 2000	2000/1985
Section 89 (Disciplinary charge upheld by the Tribunal).	30th October 2000	2000/1985
Section 90 (Orders by disciplinary bodies).	1st August 2000	2000/1985
Section 93 (Information).	22nd May 2000	2000/1282
Section 95(3) to (8) (in part) (Persons for whom support may be provided).	6th December 1999	1999/3190
Section 95 (in part).	1st January 2000	1999/3190
Section 97 (in part) (Supplemental provisions on provision of support).	1st January 2000	1999/3190
Section 98(3) (in part) (Temporary support).	1st March 2000	2000/464
Section 104 (Asylum support: Secretary of State's Rules).	1st January 2000	1999/3190

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 110(9) (Definition of "Northern Ireland authority" for the purposes of section 110).	6th December 1999	1999/3190
Section 114 (in part) (Overpayments).	1st January 2000	1999/3190
Section 115 (in part) (Exclusion from benefits).	1st January 2000	1999/3190
Section 116 (Amendment of section 21 of the National Assistance Act 1948).	6th December 1999	1999/3190
Section 117(1) and (2) (Amendment of section 45 of the Health Services and Public Health Act 1968 and paragraph 2 of Schedule 8 to the National Health Service Act 1977).	6th December 1999	1999/3190
Section 118 (in part) (Housing authority accommodation).	1st January 2000	1999/3190
Section 118 (so far as not already in force) (Housing authority accommodation).	1st March 2000	2000/464
Section 119 (in part) (Homelessness: Scotland and Northern Ireland).	1st January 2000	1999/3190
Section 119 (so far as not already in force) (Homelessness: Scotland and Northern Ireland).	1st March 2000	2000/464
Sections 120 and 121 (in part) (Other restrictions on assistance: Scotland and Northern Ireland).	1st March 2000	2000/464
Section 122 (in part) (Support for children).	1st March 2000	2000/464
Part VI (so far as not already in force and except section 117(5)) (Support for asylum seekers).	3rd April 2000	2000/464
Section 123 (in part) (Backdating of benefits where person recorded as refugee).	1st January 2000	1999/3190
Sections 128 to 139 (Powers to arrest and search).	14th February 2000	2000/168

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 147 (Interpretation of Part VIII).	1st August 2000	2000/1985
Section 148(3) (Management of detention centres).	1st August 2000	2000/1985
Section 149 (1), (3), (6)(a) and (9) (Detention centres: Contracting out).	1st August 2000	2000/1985
Section 152(2) and (3) (Visiting Committees: functions).	1st August 2000	2000/1985
Section 153 (Detention centre rules).	1st August 2000	2000/1985
Section 154 (in part) (Detainee Custody Officers).	3rd April 2000	2000/464
Section 154(7) (Schedule 11).	1st August 2000	2000/1985
Section 155(2) (Schedule 12).	1st August 2000	2000/1985
Section 156(5) (Schedule 13).	1st August 2000	2000/1985
Section 157 (Short-term holding facilities).	1st August 2000	2000/1985
Section 160 to 163 (Registrar's Certificates: procedure).	1st January 2001	2000/2698
Section 165 (in part) (Procedural requirements as to applications).	22nd May 2000	2000/1282
Section 169(1) and (2) (in part) (Minor and consequential amendments and transitional provisions).	6th December 1999	1999/3190
Section 169 (in part).	14th February 2000	2000/168
Section 169(1) and (3) (in part) (Minor and consequential amendments and repeals).	1st March 2000	2000/464
Section 169(1) and (3) (in part) (so far as not already in force) (Minor and consequential amendments and repeals).	3rd April 2000	2000/464
Section 169(1) (in part) (Schedule 14).	1st August 2000	2000/1985
Section 169 (Schedules 14 to 16).	2nd October 2000	2000/2444
Section 169(1) and (3) (Schedules 14 and 16).	1st January 2001	2000/2698

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
In Schedule 1, paragraphs 2 and 5 (Sale of transporters).	6th December 1999	1999/3190
Schedule 1 (so far as not already in force) (Sale of transporters).	3rd April 2000	2000/464
Schedules 2 (The Immigration Appeal Tribunal) and 3 (Adjudicators).	14th February 2000	2000/168
In Schedule 4 (Appeals), paragraph 1 (Notice of appealable matters).	22nd May 2000	2000/1282
In Schedule 4 (Appeals), paragraphs 3 to 5.	14th February 2000	2000/168
In Schedule 5 (The Immigration Services Commissioner), paragraphs 1(1), (2) and (4), 2(1) to (4) and (6) to (8), 3(1) to (3) and (5) to (7), 4, 5(1) to (3), 6(1) and 11 to 25.	22nd May 2000	2000/1282
Schedule 5 (Regulatory functions) (so far as not already in force).	30th October 2000	2000/1985
In Schedule 6, paragraph 5(1) (Immigration Services Commissioner: Registration fees).	1st August 2000	2000/1985
Schedule 6 (so far as not already in force).	30th October 2000	2000/1985
Schedule 7 (so far as not already in force).	30th October 2000	2000/1985
Schedule 8 (Provision of support: regulations).	1st January 2000	1999/3190
In Schedule 11 (Detainee custody officers) paragraphs 1 and 7(1).	3rd April 2000	2000/464
In Schedule 11, paragraphs 2(1)(a) and 7(2) and (3) (Detainee custody officers).	1st August 2000	2000/1985
In Schedule 12, paragraphs 1, 2 and 3(7) (Discipline etc at detention centres).	1st August 2000	2000/1985

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
In Schedule 13, paragraph 2(1)(a) and (4) (Escort arrangements).	1st August 2000	2000/1985
In Schedule 14, paragraph 54 (Proof of documents).	6th December 1999	1999/3190
In Schedule 14, paragraph 117 (Amendment of section 512(3) of the Education Act 1996).	6th December 1999	1999/3190
In Schedule 14, paragraphs 43 (in part), 44(1), 45, 49 (in part), 50, 51, 53, 56 to 60, 62(1), (3) and (4), 63, 64, 67, 68, 71, 72, 80(1) (in part), (2) and (3), 90(1) (in part), (2) and (3), 91, 94 (in part), 95, 96, 98, 108 (in part), 109, 118 (in part) and 125 (Minor and consequential provisions).	14th February 2000	2000/168
In Schedule 14, paragraphs 43 (in part), 52(1) (in part) and 3(a), 108 (in part) and 110 (Minor and consequential provisions).	1st March 2000	2000/464
In Schedule 14, paragraphs 118 (in part) and 129 (Notices of decisions which are appealable under the Special Immigration Appeals Commission Act 1997).	1st August 2000	2000/1985
In Schedule 14, paragraphs 43 (in part), 52(1) (in part) and 3(b), 74, 76, 92, 93, 99 (in part), 101, 108 (in part) and 111 to 113 (Minor and consequential provisions).	3rd April 2000	2000/464
In Schedule 14 (Consequential amendments), paragraphs 43, 44(2), 46, 49 (except for section 22 of the 1971 Act, so far as that section has effect for the purposes of paragraph 25 of Schedule 2 to that Act, and so far as not already in force), 52 (so far as not already in force), 55, 65, 66, 69, 70, 83, 84, 99, 103 to 106, 108, 114, 115, 118, 120, 121 (so far as it relates to subsections (1) to (6)	2nd October 2000	2000/2444

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of section 2A of the 1997 Act), 122 to 128, 129 (so far as not already in force).		
In Schedule 14, paragraphs 1 to 32, 37 to 42 and 77.	1st January 2001	2000/2698
In Schedule 15, paragraphs 5, 6 and 9 (Transitional provisions in relation to section 116 and subsections (1) and (2) of section 117).	6th December 1999	1999/3190
In Schedule 15, paragraphs 1, 3, 4(b) and 14 (Transitional provisions).	14th February 2000	2000/168
In Schedule 15 (Transitional provisions and savings), paragraphs 11 and 12.	2nd October 2000	2000/2444
In Schedule 16, the entries relating to the Immigration Act 1971 (in part), the House of Commons Disqualification Act 1975, the Northern Ireland Assembly Disqualification Act 1975, the Courts and Legal Services Act 1990, the Judicial Pensions and Retirement Act 1993 and the Asylum and Immigration Act 1996 (in part).	14th February 2000	2000/168
In Schedule 16 (Repeals) the entries relating to section 9 of the Asylum and Immigration Act 1996 and Paragraph 3 of Schedule 6 to the Housing Act 1996.	1st March 2000	2000/464
In Schedule 16 (Repeals) the entries relating to the Social Security Contributions and Benefits Act 1992, the Social Security and Benefits (Northern Ireland) Act 1992, sections 3 and 4 of, and Schedule 1 to, the Asylum and Immigration Act 1993 and sections 10 and 11 of, and Schedule 1 to, the Asylum and Immigration Act 1996.	3rd April 2000	2000/464
In Schedule 16 (Repeals), the entries relating to Part II and	2nd October 2000	2000/2444

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedules 2 and 3 of the 1971 Act (except for section 22 of the 1971 Act, so far as that section has effect for the purposes of paragraph 25 of Schedule 2 to the 1971 Act, and so far as not already in force); the entry relating to section 5 of the Immigration Act 1988 ⁽⁶⁾ ; the entries relating to sections 7, 8, 9, 10 and 11 of, and Schedule 2 to, the 1993 Act; the entries relating to sections 1, 2 and 3 of, and Schedules 2 and 3 to, the 1996 Act; the entries relating to section 7(4) of, and paragraph 5 of Schedule 2 to, the 1997 Act.		
In Schedule 16 (Repeals) the entries relating to the Marriage Act 1949 ⁽⁷⁾ , the Family Law Reform Act 1969 ⁽⁸⁾ and the Marriage (Registrar General's Licence) Act 1970 ⁽⁹⁾ .	1st January 2001	2000/2698

(6) 1988 c. 14.
(7) 1949 c. 76.
(8) 1969 c. 46.
(9) 1970 c. 34.