
STATUTORY INSTRUMENTS

2003 No. 754

**The Nationality, Immigration and Asylum
Act 2002 (Commencement No. 4) Order 2003**

Citation and interpretation

1.—(1) This Order may be cited as the Nationality, Immigration and Asylum Act 2002 (Commencement No. 4) Order 2003.

(2) In this Order—

“the 1971 Act” means the Immigration Act 1971(1);

“the 1988 Act” means the Immigration Act 1988(2);

“the 1993 Act” means the Asylum and Immigration Appeals Act 1993(3);

“the 1997 Act” means the Special Immigration Appeals Commission Act 1997(4);

“the 1999 Act” means the Immigration and Asylum Act 1999(5); and

“the 2002 Act” means the Nationality, Immigration and Asylum Act 2002.

Commencement and appointed date provisions

2.—(1) The provisions of the 2002 Act specified in column 1 of Schedule 1 to this Order shall come into force on the date specified in column 2 of that Schedule, but where a particular purpose is specified in relation to any such provision in column 3 of that Schedule, the provision concerned shall come into force on that date only for that purpose.

(2) The date appointed under section 162(4) of the 2002 Act for the purposes of section 8 of that Act is 1st April 2003.

Transitional provisions

3.—(1) Subject to Schedule 2, the new appeals provisions are not to have effect in relation to events which took place before 1st April 2003 and, notwithstanding their repeal by the provisions of the 2002 Act commenced by this Order, the old appeals provisions are to continue to have effect in relation to such events.

(2) Schedule 2, which makes further transitional provisions, has effect.

Definitions for transitional provisions

4.—(1) In this Order—

(a) “the new appeals provisions” means sections 82 to 99 and sections 101 to 103 of the 2002 Act; together with any provision (including subordinate legislation) of—

(1) 1971 c. 77.
(2) 1988 c. 14.
(3) 1993 c. 23.
(4) 1997 c. 68.
(5) 1999 c. 33.

- (i) the 2002 Act;
 - (ii) the 1971 Act, the 1997 Act and the 1999 Act (all as amended by the 2002 Act);
- which refer to those provisions;
- (b) “the old appeals provisions” means—
 - (i) sections 13 to 17 of the 1971 Act;
 - (ii) subsections (1) to (4) of section 8 of the 1993 Act;
 - (iii) the 1997 Act (without the amendments made by the 2002 Act);
 - (iv) Part IV of, and Schedule 4 (except paragraphs 10 to 20 and 23) to, the 1999 Act;
 - (v) section 115 of the 2002 Act;together with—
 - (vi) any subordinate legislation which applies to those provisions (unless specific provision is made to the contrary); and
 - (vii) any provision of the old Immigration Acts which refers to those provisions;
 - (c) “the old Immigration Acts” means the 1971 Act, the 1988 Act, the 1993 Act, the 1996 Act, the 1997 Act and the 1999 Act, all without the amendments made by the 2002 Act.
- (3) For the purposes of article 3 and Schedule 2, an event has taken place under the old Immigration Acts where—
- (a) a notice was served;
 - (b) a decision was made or taken;
 - (c) directions were given; and
 - (d) a certificate was issued.
- (4) For the purposes of this Order—
- (a) a notice was served;
 - (b) a decision was made or taken;
 - (c) directions were given; and
 - (d) a certificate was issued;
- on the day on which it was or they were sent to the person concerned, if sent by post or by fax, or delivered to that person, if delivered by hand.
- (5) In this article—
- (a) “the person concerned” means the person who is the subject of the notice, decision, directions or certificate or the person who appears to be his representative; and
 - (b) a reference to the issue of a certificate is a reference to the issue of a certificate under section 11, 12 or 72(2) of the 1999 Act or section 115 of the 2002 Act.

Home Office
14th March 2003

Beverley Hughes
Minister of State