

SCHEDULE 2

Transitional provisions relating to the appeals provisions of the 1993 Act

4.—(1) In this paragraph, a reference to a section or to a Schedule is to be read as a reference to a section of, or to a Schedule to, the 1993 Act, unless otherwise specified.

(2) In section 8 (asylum appeals)—

- (a) subsection (1) is to continue to have effect where the decision to refuse leave to enter was made before 2nd October 2000;
- (b) subsection (2) is to continue to have effect where the decision to vary, or to refuse to vary, the limited leave to enter or remain was made before 2nd October 2000;
- (c) subsection (3) is to continue to have effect where the decision to make a deportation order, or the decision to refuse to revoke a deportation order, was made before 2nd October 2000;
- (d) subsection (4) is to continue to have effect where the directions for a person's removal from the United Kingdom were given before 2nd October 2000.

(3) Where an appeal is made under Part II of the 1971 Act (including that Part as it applies by virtue of Schedule 2)—

- (a) section 9A (bail pending appeal from Immigration Appeal Tribunal), as amended by paragraphs 105 and 106 of Schedule 14 to the 1999 Act, is not to have effect;
- (b) the reference in section 9A (without the amendments made by the 1999 Act) to section 9 (appeals from Immigration Appeal Tribunal) is to include a reference to paragraph 23 of Schedule 4 to the 1999 Act (appeals from Immigration Appeal Tribunal).

(4) Where an appeal is made under section 8, the section 8 appeals provisions are to continue to have effect.

(5) In this paragraph “the section 8 appeals provisions” means—

- (a) paragraph 1 of Schedule 2 (asylum appeal rights to replace rights under the 1971 Act);
- (b) paragraph 2 of Schedule 2 (scope of asylum rights of appeal);
- (c) paragraph 3 of Schedule 2 (other grounds for appeal);
- (d) paragraph 5 of Schedule 2 (special appeals procedures for claims without foundation);
- (e) paragraph 6 of Schedule 2 (exception for national security);
- (f) paragraph 7 of Schedule 2 (suspension of variation of limited leave pending appeal);
- (g) paragraph 8 of Schedule 2 (deportation order not to be made while appeal pending);
- (h) paragraph 9 of Schedule 2 (stay of removal directions pending appeal and bail).

(6) Where an appeal is made under section 8, the reference in paragraph 5 of Schedule 2 to section 20(1) of the 1971 Act (appeals to the Immigration Appeal Tribunal) is to include a reference to paragraph 22(1) of Schedule 4 to the 1999 Act (appeals to the Immigration Appeal Tribunal).