
STATUTORY INSTRUMENTS

2005 No. 230

The Asylum and Immigration Tribunal (Procedure) Rules 2005

PART 1

Introduction

Citation and commencement

1. These Rules may be cited as the Asylum and Immigration Tribunal (Procedure) Rules 2005 and shall come into force on 4th April 2005.

Interpretation

2. In these Rules—

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

“the 2004 Act” means the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004⁽¹⁾;

“appellant” means a person who has given a notice of appeal to the Tribunal against a relevant decision in accordance with these Rules;

“appropriate appellate court” has the meaning given in sections 103B(5) and 103E(5) of the 2002 Act;

“appropriate court” has the meaning given in section 103A(9) of the 2002 Act;

“appropriate prescribed form” means the appropriate form in the Schedule to these Rules, or that form with any variations that the circumstances may require;

“asylum claim” has the meaning given in section 113(1) of the 2002 Act;

“business day” means any day other than a Saturday or Sunday, a bank holiday, 25th to 31st December or Good Friday;

“determination”, in relation to an appeal, means a decision by the Tribunal in writing to allow or dismiss the appeal, and does not include a procedural, ancillary or preliminary decision;

“the Immigration Acts” means the Acts referred to in section 44(1) of the 2004 Act;

“immigration decision” means a decision of a kind listed in section 82(2) of the 2002 Act;

“immigration rules” means the rules referred to in section 1(4) of the Immigration Act 1971⁽²⁾;

“order for reconsideration” means an order under section 103A(1) or any other statutory provision requiring the Tribunal to reconsider its decision on an appeal;

“President” means the President of the Tribunal;

“relevant decision” means a decision against which there is an exercisable right of appeal to the Tribunal;

(1) 2004 c. 19.

(2) 1971 c. 77.

“respondent” means the decision maker specified in the notice of decision against which a notice of appeal has been given;

“section 103A” means section 103A of the 2002 Act (Review of Tribunal’s decision) and

“section 103A application” means an application under section 103A;

“Tribunal” means the Asylum and Immigration Tribunal;

“United Kingdom Representative” means the United Kingdom Representative of the United Nations High Commissioner for Refugees.

Scope of these Rules

3.—(1) These Rules apply to the following proceedings—

- (a) appeals to the Tribunal;
- (b) section 103A applications which are considered by a member of the Tribunal in accordance with paragraph 30 of Schedule 2 to the 2004 Act;
- (c) reconsideration of appeals by the Tribunal;
- (d) applications to the Tribunal for permission to appeal to the Court of Appeal, the Court of Session, or the Court of Appeal in Northern Ireland; and
- (e) applications to the Tribunal for bail.

(2) These Rules apply subject to any other Rules made under section 106 of the 2002 Act which apply to specific classes of proceedings.

Overriding objective

4. The overriding objective of these Rules is to secure that proceedings before the Tribunal are handled as fairly, quickly and efficiently as possible; and, where appropriate, that members of the Tribunal have responsibility for ensuring this, in the interests of the parties to the proceedings and in the wider public interest.