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STATUTORY INSTRUMENTS

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**1999 No. 3190 (C. 83)**

**IMMIGRATION**

**The Immigration and Asylum Act 1999  
(Commencement No. 1) Order 1999**

*Made - - - - 27th November 1999*

In exercise of the powers conferred upon him by section 170(4) and (5) of the Immigration and Asylum Act 1999<sup>(1)</sup>, the Secretary of State hereby makes the following Order:

**1.**—(1) This Order may be cited as the Immigration and Asylum Act 1999 (Commencement No. 1) Order 1999.

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

**2.** The provisions of the Act specified in column 1 of the Schedule 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.

Home Office  
27th November 1999

*Jack Straw*  
One of Her Majesty’s Principal Secretaries of  
State

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## THE SCHEDULE

Article 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Section 20 (Supply of information to Secretary of State)	1st January 2000	
Section 21 (Supply of information by Secretary of State)	1st January 2000	
Section 32 (2)(a), (3) and (10) (Prescribed penalty for carrying clandestines: prescribed period for payment; and prescribed control zone)	6th December 1999	For the purpose of enabling subordinate legislation to be made under them
Section 33 (Clandestine entrants: Code of practice)	6th December 1999	
Section 35 (7) to (9) (Clandestine entrants: period for giving notice of objection and service of notices on detached trailers)	6th December 1999	For the purpose of enabling subordinate legislation to be made under them
Section 36 (2)(a) (Clandestine entrants: prescribed period for payment of penalty)	6th December 1999	For the purpose of enabling subordinate legislation to be made under it
Section 37 (6) (sale of transporters)	6th December 1999	So far as it relates to those paragraphs of Schedule 1 to the Act commenced by this Order
Section 39 (Clandestine entrants: Rail freight)	6th December 1999	
Section 40 (9) and (10) (Carriers' Liability: trains: international agreement for controls)	6th December 1999	
Section 42 (8) (Sale of Transporters)	6th December 1999	So far as it relates to those paragraphs of Schedule 1 to the Act commenced by this Order
Section 43 (Interpretation of Part II)	6th December 1999	
Section 95 (3) to (8) (Persons for whom support may be provided)	6th December 1999	For the purposes of sections 116 and 117 (1) and (2) of the Act (and the amendments to other legislation effected by those sections) and paragraph 3 of Schedule 9 to the Act

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Section 95 (Persons for whom support may be provided) (save as not already in force)(2)	1st January 2000	Save in the case of subsection (12) (which is commenced in full), for the purposes of enabling subordinate legislation to be made under it.
Section 97 (Supplemental provisions on provision of support)	1st January 2000	For the purpose of enabling subordinate legislation to be made under it
Section 104 (Asylum support: Secretary of State's Rules)	1st January 2000	
Section 110 (9) (Definition of "Northern Ireland authority" for the purposes of section 110)	6th December 1999	
Section 114 (Overpayments)	1st January 2000	For the purpose of enabling subordinate legislation to be made under it
Section 115 (Exclusion from benefits)	1st January 2000	For the purpose of enabling subordinate legislation to be made under it
Section 116 (Amendment of section 21 of the National Assistance Act 1948)(3)	6th December 1999	
Section 117 (1) and (2) (Amendment of section 45 of the Health Services and Public Health Act 1968(4) and paragraph 2 of Schedule 8 to the National Health Service Act 1977)(5)	6th December 1999	
Section 118 (Housing authority accommodation)	1st January 2000	For the purpose of enabling subordinate legislation to be made under it
Section 119 (Homelessness: Scotland and Northern Ireland)	1st January 2000	For the purpose of enabling subordinate legislation to be made under it
Section 123 (Backdating of benefits where person recorded as refugee)	1st January 2000	For the purpose of enabling subordinate legislation to be made under it

(2) Subsection (13) was brought into force by section 170(3)(g) of the Act and the preceding entry in this Schedule commences subsections (3) to (8) for certain purposes.

(3) 1948 c. 29.

(4) 1968 c. 46.

(5) 1977 c. 49.

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Section 169 (1) and (2) (Minor and consequential amendments and transitional provisions)	6th December 1999	In so far as they relate to the paragraphs of Schedules 14 (Consequential amendments) and 15 (Transitional Provisions and Savings) commenced: (a) by section 170 (3) (s) and (t) of the Act; and (b) by this Order
Paragraphs 2 and 5 of Schedule 1 (Sale of transporters)	6th December 1999	
Schedule 8 (Provision of support: regulations)	1st January 2000	
Paragraph 54 of Schedule 14 (Proof of documents)	6th December 1999	
Paragraph 117 of Schedule 14 (Amendment of section 512 (3) of the Education Act 1996) <sup>(6)</sup>	6th December 1999	
Paragraphs 5, 6 and 9 of Schedule 15 (Transitional provisions in relation to section 116 and subsections (1) and (2) of section 117)	6th December 1999	

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force certain provisions of the Immigration and Asylum Act 1999 (the Act). On 6th December, the following provisions come into force:

- (a) various powers to make subordinate legislation under Part II of the Act (Carriers' Liability);
- (b) amendments to section 21 of the National Assistance Act 1948, section 45 of the Health Services and Public Health Act 1968; and paragraph 2 of Schedule 8 to the National Health Service Act 1977 (sections 116 and 117(1) and (2) of the Act), which exclude persons subject to immigration control (as defined by section 115) from eligibility for assistance under those provisions in certain circumstances;

<sup>(6)</sup> 1996 c. 56.

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- (c) an amendment to section 512(3) of the Education Act 1996 (paragraph 117 of Schedule 14) so as to extend the requirement to provide free school meals to children whose parents are supported under Part VI (Support for asylum-seekers); and
- (d) amendments to section 32 of the Immigration Act 1971 so as to extend its provisions as to the proof of documents in proceedings to additional categories of document.

On 1st January 2000, the following provisions come into force:

- (a) provisions concerning the supply of information to and by the Secretary of State (sections 20 and 21); and
- (b) various powers to make subordinate legislation under Part VI (Support for asylum-seekers).