
STATUTORY INSTRUMENTS

2003 No. 1034

The Special Immigration Appeals
Commission (Procedure) Rules 2003

PART 1

INTRODUCTION

Citation and commencement

1. These Rules may be cited as the Special Immigration Appeals Commission (Procedure) Rules 2003 and shall come into force forthwith.

Interpretation

2.—(1) In these Rules—

“the 1997 Act” means the Special Immigration Appeals Commission Act 1997⁽¹⁾;

“the 2001 Act” means the Anti-terrorism, Crime and Security Act 2001;

“the 2002 Act” means the Nationality, Immigration and Asylum Act 2002⁽²⁾;

“appellant” means a person appealing to the Commission, and in Part 7 is to be interpreted as additionally including—

(i) in relation to applications for permission to appeal or applications for bail, the applicant; and

(ii) in relation to reviews, the person certified;

“certification” means certification of a person by the Secretary of State under section 21(1) of the 2001 Act and, unless the context requires otherwise, “certified” and “certificate” are to be interpreted accordingly;

“chairman” means the chairman of the Commission;

“Commission” means the Special Immigration Appeals Commission;

“Immigration Acts” means the Acts referred to in section 158(1) of the 2002 Act;

“proceedings” means any appeal or application to, or review held by, the Commission;

“relevant law officer” has the meaning given by section 6(2) of the 1997 Act;

“review” means a review of certification by the Commission under section 26 of the 2001 Act;

“special advocate” means a person appointed under section 6(1) of the 1997 Act to represent the interests of a party to proceedings;

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

(1) 1997 c. 68. The 1997 Act is amended by section 35 of the 2001 Act and by section 4 of and Schedule 7 to the 2002 Act.

(2) 2002 c. 41.

(2) In relation to an appeal to the Commission under section 2B of the 1997 Act⁽³⁾ against a decision which was made by a person exercising the functions of the Secretary of State pursuant to section 43 of the British Nationality Act 1981⁽⁴⁾, references in these Rules to the Secretary of State are to be read as if they referred to the person who made the decision.

Scope of these Rules

3. These Rules apply to the following proceedings—
- (a) appeals to the Commission;
 - (b) reviews;
 - (c) applications to the Commission for leave to appeal to the Court of Appeal, the Court of Session or the Court of Appeal in Northern Ireland; and
 - (d) applications to the Commission for bail.

General duty of Commission

4.—(1) When exercising its functions, the Commission shall secure that information is not disclosed contrary to the interests of national security, the international relations of the United Kingdom, the detection and prevention of crime, or in any other circumstances where disclosure is likely to harm the public interest.

(2) Where these Rules require information not to be disclosed contrary to the public interest, that requirement is to be interpreted in accordance with paragraph (1).

(3) Subject to paragraphs (1) and (2), the Commission must satisfy itself that the material available to it enables it properly to determine proceedings.

Delegated powers

5.—(1) The powers of the Commission under the following provisions of these Rules may be exercised by the chairman or by any other member of the Commission who falls within paragraph 5(a) or (b) of Schedule 1 to the 1997 Act⁽⁵⁾—

- (a) rule 8(5) (extensions of time for appealing);
- (b) rules 11(1) and 17(1) (applications for leave to vary grounds of appeal);
- (c) rule 15(2) (applications for leave to appeal against certification);
- (d) Part 5 (applications for leave to appeal to Court of Appeal, Court of Session or Court of Appeal in Northern Ireland);
- (e) Part 6 (bail);
- (f) rule 37(5) (applications for leave to amend or supplement material filed by Secretary of State);
- (g) rule 39 (directions);
- (h) rule 40(1) (orders upon failure to comply with directions);
- (i) rule 45 (issue of witness summons); and
- (j) rule 46 (orders that two or more proceedings be heard together).

(2) Anything of an administrative nature which is required or permitted to be done by the Commission under these Rules may be done by a member of the Commission's staff.

(3) 1997 c. 68. Section 2B is inserted by section 4(2) of the 2002 Act.

(4) 1981 c. 61.

(5) 1997 c. 68. Paragraph 5 of Schedule 1 is amended by paragraph 25 of Schedule 7 to the 2002 Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
