



Immigration Act 1971

1971 CHAPTER 77

^{F1}PART II

APPEALS

Supplementary

22 Procedure.

- (1) The [^{F1}Lord Chancellor] may make rules (in this Act referred to as “rules of procedure”)—
 - (a) for regulating the exercise of the rights of appeal conferred by this Part of this Act;
 - (b) for prescribing the practice and procedure to be followed on or in connection with appeals thereunder, including the mode and burden of proof and admissibility of evidence on such an appeal; and
 - (c) for other matters preliminary or incidental to or arising out of such appeals, including proof of the decisions of adjudicators or the Appeal Tribunal.
- (2) Rules of procedure may include provision—
 - (a) enabling the Tribunal, on an appeal from an adjudicator, to remit the appeal to an adjudicator for determination by him in accordance with any directions of the Tribunal, or for further evidence to be obtained with a view to determination by the Tribunal; or
 - (b) enabling any functions of the Tribunal which relate to matters preliminary or incidental to an appeal, or which are conferred by Part II of Schedule 2 to this Act, to be performed by a single member of the Tribunal; or
 - (c) conferring on adjudicators or the Tribunal such ancillary powers as the [^{F1}Lord Chancellor] thinks necessary for the purposes of the exercise of their functions.
- (3) The rules of procedure shall provide that any appellant shall have the right to be legally represented.

Status: Point in time view as at 30/03/2006.

Changes to legislation: Immigration Act 1971, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) Where on an appeal under this Part of this Act it is alleged—
- (a) that a passport or other travel document, [^{F2}certificate of entitlement], entry clearance or work permit (or any part thereof or entry therein) on which a party relies is a forgery; and
 - (b) that the disclosure to that party of any matters relating to the method of detection would be contrary to the public interest;
- then (without prejudice to the generality of the power to make rules of procedure) the adjudicator or Tribunal shall arrange for the proceedings to take place in the absence of that party and his representatives while the allegation at (b) above is inquired into by the adjudicator or Tribunal and, if it appears to the adjudicator or Tribunal that the allegation is made out, for such further period as appears necessary in order to ensure that those matters can be presented to the adjudicator or Tribunal without any disclosure being directly or indirectly made contrary to the public interest.
- (5) If under the rules of procedure leave to appeal to the Tribunal is required in cases where an adjudicator dismisses an appeal under section 13 above, then the authority having power to grant leave to appeal shall grant it—
- (a) in any case where the appeal was against a decision that the appellant required leave to enter the United Kingdom, and the authority is satisfied that at the time of the decision he held a [^{F2}certificate of entitlement]; and
 - (b) in any case where the appeal was against a refusal of leave to enter, and the authority is satisfied that at the time of the refusal the appellant held an entry clearance and that the dismissal of the appeal was not required by section 13(4).
- (6) A person who is required under or in accordance with rules of procedure to attend and give evidence or produce documents before an adjudicator or the Tribunal, and fails without reasonable excuse to comply with the requirement, shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F3}level 3 on the standard scale].
- (7) The power to make rules of procedure shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F1** Words substituted by [S.I. 1987/465](#), [arts. 2\(b\)](#), 3(1)(3)
- F2** Words substituted by [British Nationality Act 1981 \(c. 61\)](#), [s. 52\(7\)](#), [Sch. 4 para. 3\(1\)](#) (with [Sch. 8 para. 8](#))
- F3** Words substituted (E.W.) (S.) (11.4.1983) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [ss. 289F, 289G](#) (as inserted by [Criminal Justice Act 1982 \(c. 48\)](#), [s. 54](#)), and (N.I.) by virtue of [S.I. 1984/703 \(N.I. 3\)](#), [arts. 5, 6](#)

Modifications etc. (not altering text)

- C1** S. 22: by [S.I. 1987/465](#), [arts. 2\(b\)](#), 3(1)(3) the functions of the Secretary of State under s. 22 are transferred to the Lord Chancellor
- C2** Ss. 18-21, 22(1)-(4)(6)(7), 23 and Sch. 5 amended (26.7.1993) by [1993 c. 23](#), [s. 8\(6\)](#), [Sch. 2 para. 4\(2\)\(a\)-\(f\)](#); [S.I. 1993/1655](#), [art. 2](#)
S. 22(1)-(4)(6)(7) amended (1.9.1996) by [1996 c. 49](#), [s. 3\(4\)\(d\)](#); [S.I. 1996/2053](#), [art. 2](#), [Sch. Pt.II](#)
S. 22 extended (26.7.1993) by [1993 c. 23](#), [ss. 8\(6\), 9\(4\)](#), [Sch. 2 paras. 4\(3\), 5\(4\)](#); [S.I. 1993/1655](#) [art. 2](#)

Status: Point in time view as at 30/03/2006.

Changes to legislation: Immigration Act 1971, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

S. 22 extended (21.10.1996) by 1993 c. 23, **Sch. 2 para. 5** (as substituted by 1996 c. 49, **s.1**; S.I. 1996/2127, art. 2, **Sch. Pt.III**)

S. 22 extended (26.7.1996) by 1996 c. 49, **s. 3(5)**; S.I. 1996/2053, art. 2, **Sch. Pt.I**

23 Financial support for organisations helping persons with rights of appeal.

The Secretary of State may with the consent of the Treasury make grants to any voluntary organisation which provides advice or assistance for, or other services for the welfare of, persons who have rights of appeal under this Part of this Act.

Modifications etc. (not altering text)

C3 Ss. 18-21, 22(1)-(4)(6)(7), 23 and Sch. 5 amended (26.7.1993) by 1993 c. 23, s. 8(6), **Sch. 2 para. 4(2)(a)-(f)**; S.I. 1993/1655, **art. 2**

S. 23 amended (1.9.1996) by 1996 c. 49, **s. 3(4)(e)**; S.I. 1996/2053, art. 2, **Sch. Pt.II**

S. 23 amended (3.8.1998) by 1997 c. 68, s. 2, **Sch. 2 para.7**; S.I. 1998/1892, **art. 2**

Status:

Point in time view as at 30/03/2006.

Changes to legislation:

Immigration Act 1971, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.