



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART IV

APPEALS

Miscellaneous

73 Limitation on further appeals.

- (1) This section applies where a person (“the appellant”) has appealed under the ^{M1}Special Immigration Appeals Commission Act 1997 or this Act and that appeal (“the original appeal”) has been finally determined.
- (2) If the appellant serves a notice of appeal making a claim that [^{F1}in taking a decision, a decision-maker racially discriminated against the appellant or that] a decision of a decision-maker was in breach of the appellant’s human rights, the Secretary of State may certify that in his opinion—
 - (a) the appellant’s claim—
 - (i) could reasonably have been included in a statement required from him under section 74 but was not so included, or
 - (ii) could reasonably have been made in the original appeal but was not so made;
 - (b) one purpose of such a claim would be to delay the removal from the United Kingdom of the appellant or of any member of his family; and
 - (c) the appellant had no other legitimate purpose for making the claim.
- (3) On the issuing of a certificate by the Secretary of State under subsection (2), the appeal, so far as relating to that claim, is to be treated as finally determined.
- (4) Subsection (5) applies if a notice under section 74 was served on the appellant before the determination of his original appeal and the appellant has served a further notice of appeal.

Status: Point in time view as at 02/04/2001. This version of this provision has been superseded.

Changes to legislation: Immigration and Asylum Act 1999, Section 73 is up to date with all changes known to be in force on or before 01 April 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)

- (5) The Secretary of State may certify that grounds contained in the notice of appeal were considered in the original appeal.
- (6) On the issuing of a certificate by the Secretary of State under subsection (5), the appeal, so far as relating to those grounds, is to be treated as finally determined.
- (7) Subsection (8) applies if, on the application of the appellant, an immigration officer or the Secretary of State makes a decision in relation to the appellant.
- (8) The immigration officer or, as the case may be, the Secretary of State may certify that in his opinion—
- (a) one purpose of making the application was to delay the removal from the United Kingdom of the appellant or any member of his family; and
 - (b) the appellant had no other legitimate purpose for making the application.
- (9) No appeal may be brought under the ^{M2}Special Immigration Appeals Commission Act 1997 or this Act against a decision on an application in respect of which a certificate has been issued under subsection (8).
- (10) Nothing in section 58(6) affects the operation of subsections (3) and (6).

Textual Amendments

- F1** Words in s. 73(2) inserted (2.4.2001) by 2000 c. 34, s. 9(1), **Sch. 2 para. 36** (with s. 10(5)); S.I. 2001/566, **art. 2(1)**

Modifications etc. (not altering text)

- C1** S. 73 applied (with modifications) (2.10.2000) by S.I. 2000/2244, **reg. 5(3)(4)**

Commencement Information

- I1** S. 73 wholly in force at 2.10.2000 by S.I. 2000/2444, **art. 2, Sch. 1** (subject to the transitional provisions in **arts. 3, 4, Sch. 2**)

Marginal Citations

- M1** 1997 c. 68.
M2 1997 c. 68.

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