

**Status:** This version of this schedule contains provisions that are prospective.

**Changes to legislation:** There are currently no known outstanding effects for the Nationality and Borders Act 2022, SCHEDULE 3. (See end of Document for details)

## SCHEDULES

PROSPECTIVE

### SCHEDULE 3

Section 23

#### EXPEDITED APPEALS WHERE PRIORITY REMOVAL NOTICE SERVED: CONSEQUENTIAL AMENDMENTS

- 1 The Nationality, Immigration and Asylum Act 2002 is amended in accordance with paragraphs 2 to 6.

##### Commencement Information

- I1** Sch. 3 para. 1 not in force at Royal Assent, see [s. 87\(1\)](#)

- 2 In section 85 (matters to be considered on appeal)—
- (a) in subsections (1), (2) and (4), after “the Tribunal” insert “or the Upper Tribunal”;
  - (b) in subsection (5)—
    - (i) after “the Tribunal”, in the first place it appears, insert “or the Upper Tribunal”;
    - (ii) for “the Tribunal”, in the second place it appears, substitute “the tribunal concerned”.

##### Commencement Information

- I2** Sch. 3 para. 2 not in force at Royal Assent, see [s. 87\(1\)](#)

- 3 In section 86 (determination of appeal), in subsection (2), after “the Tribunal” insert “or the Upper Tribunal”.

##### Commencement Information

- I3** Sch. 3 para. 3 not in force at Royal Assent, see [s. 87\(1\)](#)

- 4 In section 106 (tribunal procedure rules), in subsections (3) and (4), after “the Tribunal” insert “or the Upper Tribunal”.

##### Commencement Information

- I4** Sch. 3 para. 4 not in force at Royal Assent, see [s. 87\(1\)](#)

- 5 In section 107 (practice directions)—
- (a) before subsection (3) insert—

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“(2A) Subsection (3) applies to—

- (a) proceedings under section 82 in the Tribunal or proceedings in the Upper Tribunal arising out of such proceedings;
- (b) proceedings under section 82 in the Upper Tribunal (see section 82A and section 24 of the Nationality and Borders Act 2022).”;
  - (b) in subsection (3), for the words from “under section 82” to “such proceedings” substitute “to which this subsection applies”.

#### Commencement Information

**I5** Sch. 3 para. 5 not in force at Royal Assent, see [s. 87\(1\)](#)

- 6 In section 108 (forged document: proceedings in private), in subsection (2), after “The Tribunal” insert “or the Upper Tribunal”.

#### Commencement Information

**I6** Sch. 3 para. 6 not in force at Royal Assent, see [s. 87\(1\)](#)

- 7 In section 8 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (claimant’s credibility), in subsection (9A)—

- (a) for the words from the beginning to “subsection (7) the” substitute “In this section a”;
- (b) after “acting” insert “—
  - (a)”;
- (c) at the end insert “, or
  - (b) in relation to—
    - (i) an expedited appeal within the meaning of section 82A of the Nationality, Immigration and Asylum Act 2002, or
    - (ii) an expedited related appeal within the meaning of section 24 of the Nationality and Borders Act 2022 that involves an asylum claim or a human rights claim.”

#### Commencement Information

**I7** Sch. 3 para. 7 not in force at Royal Assent, see [s. 87\(1\)](#)

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