

1976 No. 1572

IMMIGRATION

The Immigration (Variation of Leave) Order 1976

Made - - - - 22nd September 1976
Coming into Operation 27th September 1976

In exercise of the powers conferred on me by sections 3(3)(a) and 4(1) of the Immigration Act 1971(a), I hereby make the following Order:—

Citation and Operation

1. This Order may be cited as the Immigration (Variation of Leave) Order 1976 and shall come into operation on 27th September 1976.

Interpretation

2. The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Variation of limited leave to enter or remain in the United Kingdom

3.—(1) Where a person has leave to enter or remain in the United Kingdom for a limited period and applies to the Secretary of State before the expiry of that period for such limited leave to be varied, then, except in a case falling within paragraph (2) below, the duration of his leave shall, by virtue of this Order, be extended until the expiration of the twenty-eighth day after the date of the decision on the application.

(2) Paragraph (1) above shall not apply—

- (a) in a case in which the date of the decision is earlier than 28 days before the expiration of the period of limited leave;
- (b) in a case in which the period of limited leave had expired before the coming into operation of this Order;
- (c) in a case in which the application is made at a time when, by virtue of the previous operation of this Order, an extension of the applicant's period of leave is taking effect.

(3) For the purposes of this Article the date of the decision shall have the same meaning as in Rule 4(11) of the Immigration Appeals (Procedure) Rules 1972(c), that is to say, shall—

- (a) where notice of the decision is sent by post, be deemed to be the day on which such notice is sent;
- (b) in any other case, be deemed to be the day on which notice of the decision is served.

(a) 1971 c. 77.

(b) 1889 c. 63.

(c) S.I. 1972/1684 (1972 III, p. 4919).

Merlyn Rees,
One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.
22nd September 1976.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order secures (by providing for the necessary extension in appropriate cases) that where a person applies to the Secretary of State for a variation of his current limited leave under the Immigration Act 1971 to enter or remain in the United Kingdom, the leave shall not expire earlier than 28 days after the date of the Secretary of State's decision on the application.

Article 3(2)(c) excludes cases where the application is made while an extension by virtue of the Order is taking effect in consequence of a previous application.

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