

## 1984 No. 2040

## IMMIGRATION

## The Immigration Appeals (Notices) Regulations 1984

<i>Made</i>	- - - - -	21st December 1984
<i>Laid before Parliament</i>		11th January 1985
<i>Coming into Operation</i>		1st March 1985

In exercise of the powers conferred upon me by section 18(1) of the Immigration Act 1971(a), I hereby make the following Regulations:—

*Citation, commencement and revocation*

1.—(1) These Regulations may be cited as the Immigration Appeals (Notices) Regulations 1984 and shall come into operation on 1st March 1985.

(2) The Immigration Appeals (Notices) Regulations 1972(b) are hereby revoked.

*Interpretation*

2.—(1) In these Regulations—

“the Act” means the Immigration Act 1971;

“appeal” means an appeal under Part II of the Act and

“appealable” shall be construed accordingly;

“entry clearance officer” means a person having authority to grant an entry clearance on behalf of the Government of the United Kingdom.

(2) In these Regulations any reference to a Regulation shall be construed as a reference to a Regulation contained in these Regulations; and any reference in a Regulation to a paragraph shall be construed as a reference to a paragraph of that Regulation.

*Notice of decisions and actions appealable under Part II of the Act*

3.—(1) Subject to the following provisions of this Regulation, written notice of any decision or action which is appealable (or would be appealable but for the grounds of the decision or action) shall as soon as practicable be given in accordance with the provisions of these Regulations to the person in respect of whom the decision or action was taken.

(a) 1971 c. 77.

(b) S.I. 1972/1683, amended by S.I. 1982/1027.

- (2) Any such notice as is referred to in paragraph (1) shall be given—
- (a) in the case of a decision or action taken by an immigration officer in the exercise of powers conferred on him as such, by the immigration officer;
  - (b) in the case of a refusal of an application for the grant of an entry clearance or certificate of entitlement, where the decision was taken otherwise than in the United Kingdom and Islands, by the entry clearance officer who refused the application;
  - (c) where the officer required by sub-paragraph (a) or (b) of this paragraph to give the notice is for any reason unable to do so, by such an immigration officer or entry clearance officer as may be designated for the purpose by the Secretary of State;
  - (d) in the case of a decision or action other than one mentioned in sub-paragraph (a) or (b) of this paragraph, by the Secretary of State.
- (3) Where any such decision or action as is mentioned in paragraph (1) is taken as a result of an application made or submitted by a person on behalf of another person, or where a person in respect of whom such decision or action is taken (herein referred to as “the applicant”) has, subsequent to the making of the application, appointed a person to act on his behalf in connection with the application, the provisions of paragraph (1) shall be deemed to be satisfied if notice in compliance with those provisions is given to the person who made or submitted the application or, as the case may be, to the person appointed to act on behalf of the applicant.
- (4) It shall not be necessary for notice to be given in compliance with the provisions of paragraph (1) if the officer or authority required by paragraph (2) to give it has no knowledge of the whereabouts or place of abode of the person to whom it is to be given.
- (5) Where notice is given in compliance with the provisions of paragraph (1) of a decision to refuse leave to a person to enter the United Kingdom, it shall not be necessary in addition for notice to be given of the decision that he requires leave unless he claims or has claimed that leave is not required.

*Contents of notice*

4.—(1) Subject to the provisions of paragraph (2), any notice given under Regulation 3 shall—

- (a) include a statement of the reasons for the decision or action to which it relates;
- (b) if it relates to the giving of directions for the removal of any person from the United Kingdom to a country or territory specified in the directions, include a statement of that country or territory; and
- (c) be accompanied by a statement informing the person in respect of whom the decision or action has been taken of—
  - (i) his right of appeal if any and the relevant provisions of the Act;
  - (ii) the manner in which the appeal should be brought and the address to which a notice of appeal should be sent;

- (iii) the time within which an appeal should be brought; and
- (iv) the facilities available for advice and assistance in connection therewith.

(2) In the case of a notice which relates to any decision to vary the limited leave of a person to enter or remain in the United Kingdom, it shall not be necessary to comply with the requirements of paragraph (1) if the decision was taken at the request of the person to whom notice is given and was not less favourable to him than that which was requested.

*Certain notices under the Act deemed to comply with Regulations*

5.—(1) Subject to the provisions of paragraph (2), where any power to refuse leave to enter or to give a limited leave to remain in or to vary leave to enter or remain in the United Kingdom is exercised by notice in writing in accordance with section 4 of or paragraph 6 of Schedule 2 to the Act (notice of decisions as to leave to enter or remain) the provisions of these Regulations shall, if the statements required by Regulation 4 are included in or accompany the notice, be deemed to have been complied with in relation to the exercise of that power.

(2) Paragraph (1) shall not apply in the case of a notice given to a person in charge of a party in accordance with sub-paragraph (4) of the said paragraph 6.

*Service of notice*

6. Any notice required by Regulation 3 to be given to any person may be delivered, or sent by post in a registered letter or by recorded delivery service to—

- (a) that person's last known or usual place of abode; or
- (b) an address provided by him for receipt of the notice.

Home Office.  
21st December 1984.

*Leon Brittan,*  
One of Her Majesty's Principal  
Secretaries of State.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations re-enact the Immigration Appeals (Notices) Regulations 1972 with amendments. The changes of substance are as follows:—

- (a) the circumstances in which a notice of a decision or action may be given to an applicant's representative are extended to include the case where the representative was appointed after the application was made (Regulation 3(3));
- (b) the means by which a notice may be served are extended (Regulation 6).

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