
STATUTORY INSTRUMENTS

1998 No. 1881

**The Special Immigration Appeals
Commission (Procedure) Rules 1998**

PART I

GENERAL PROVISIONS

Citation and commencement

1. These Rules may be cited as the Special Immigration Appeals Commission (Procedure) Rules 1998 and shall come into force on the day after the day on which they are made.

Interpretation

2. In these Rules—

“the 1971 Act” means the Immigration Act 1971⁽¹⁾;

“the 1997 Act” means the Special Immigration Appeals Commission Act 1997;

“the chairman” means the chairman of the Commission;

“the Commission” means the Special Immigration Appeals Commission; and

“the special advocate” means a person appointed under section 6(1) of the 1997 Act to represent the interests of the appellant.

General duty of Commission

3.—(1) When exercising its functions, the Commission shall secure that information is not disclosed contrary to the interests of national security, the international relations of the United Kingdom, the detection and prevention of crime, or in any other circumstances where disclosure is likely to harm a public interest.

(2) Where the Rules require information not to be disclosed contrary to the public interest, the requirement shall be construed in accordance with paragraph (1).

(3) Subject to paragraphs (1) and (2), the Commission must satisfy itself that the material available to it enables it properly to review decisions.

Delegated powers

4.—(1) The powers of the Commission under the following provisions may be exercised by the chairman or by any other member of the Commission who falls within paragraph 5(a) or (b) of Schedule 1 to the 1997 Act:—

(a) rule 12(1) and (3) (amendment and supplementary grounds);

(b) rule 13 (directions);

(1) 1971 c. 77, as modified by Schedules 2 and 3 to the Special Immigration Appeals Commission Act 1997.

- (c) rule 25 (application for leave to appeal);
- (d) rules 26 and 27 (bail proceedings).

(2) Instead of exercising a power under paragraph (1), the chairman or member may remit the matter to be dealt with by the Commission.

(3) Where the chairman or member exercises any power of the Commission, references to the Commission in the Rules shall as appropriate include references to him.

Notices etc.

5.—(1) Any document required or authorised to be given or sent to—

- (a) the Commission, shall be directed to the Secretary to the Commission;
- (b) the Secretary of State, shall be directed to the Appeal Support Section of the Asylum Directorate of the Home Office.

(2) The appellant must inform the Commission if an address given under rule 9(3) changes.