
EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under the Tribunals, Courts and Enforcement Act 2007 (“the 2007 Act”). Part 1 of the 2007 Act creates a new two-tier tribunal structure; the First-tier Tribunal and the Upper Tribunal are established under section 3 of the 2007 Act. Order making powers are provided under Part 1 of the 2007 Act to enable the functions of existing tribunals to be transferred into the new structure. This Order transfers the functions of the Asylum and Immigration Tribunal to the First-tier Tribunal.

Transfer of functions of tribunals

Article 2 transfers the functions of the Asylum and Immigration Tribunal to the First-tier Tribunal and abolishes the Asylum and Immigration Tribunal.

Transfer of members of tribunals

Article 3 provides for members of the Asylum and Immigration Tribunal to hold offices in the First-tier Tribunal and Upper Tribunal, and sets out which tribunal members hold which offices.

Transfer of rules

Article 4 effects the transfer of the Asylum and Immigration Tribunal (Procedure) Rules 2005 and the Asylum and Immigration Tribunal (Procedure) (Fast-track) Rules 2005 so they will have effect as if they are Tribunal Procedure Rules.

Consequential provisions

Article 5(1) to (3) brings Schedules 1 to 3 into effect. Schedule 1 contains consequential amendments to primary legislation, Schedule 2 contains consequential amendments to secondary legislation and Schedule 3 contains consequential repeals and revocations of legislation. These amendments, repeals and revocations are made in consequence of the transfer of the functions of the Asylum and Immigration Tribunal to the First-tier Tribunal.

Transitional and saving provisions

Article 5(4) brings Schedule 4 into effect. Schedule 4 makes transitional and saving provisions for the treatment of cases, which would previously have been dealt with by the Asylum and Immigration Tribunal, following the coming into force of this Order.

The Schedule provides for proceedings which have been started in the Asylum and Immigration Tribunal to be transferred to the First-tier Tribunal or the Upper Tribunal, as the case may be; new proceedings will be started in the First-tier Tribunal or the Upper Tribunal, as the case may be. In transferred cases the following provisions apply:

- directions and orders made prior to this Order coming into force will continue in force as if they were directions or orders of the First-tier Tribunal or the Upper Tribunal, as the case may be;
- the First-tier Tribunal and the Upper Tribunal will be able to disapply Tribunal Procedure Rules, or apply the Asylum and Immigration Tribunal (Procedure) Rules 2005 or, as the case may be, the Asylum and Immigration Tribunal (Procedure) (Fast-track) Rules 2005 as they

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

applied to the Asylum and Immigration Tribunal, to ensure that proceedings are dealt with fairly; and

- time limits which begin to run before this Order comes into force continue to apply after the Order comes into force.

A Regulatory Impact Assessment was prepared for the [Tribunals, Courts and Enforcement Act 2007](#). This can be found at: <http://www.justice.gov.uk/publications/tribunalscourtsandenforcementact.htm>