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STATUTORY INSTRUMENTS

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**2020 No. 1309**

The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020

**PART 2**

IMMIGRATION

*Chapter 2*

*Amendment and savings of secondary legislation*

**Amendment and saving of the Tribunal Procedure (Upper Tribunal) Rules 2008**

**33.**—(1) The Tribunal Procedure (Upper Tribunal) Rules 2008 <sup>M1</sup> are amended in accordance with paragraphs (2) and (3).

(2) In rule 1 (citation, commencement, application and interpretation), in the definition of “immigration case”, omit “, regulation 26 of the Immigration (European Economic Area) Regulations 2006, regulation 36 of the Immigration (European Economic Area) Regulations 2016”.

(3) In rule 17A (appeal treated as abandoned or finally determined in an asylum case or an immigration case)—

- (a) in paragraph (1)(b), after the semi-colon insert “ or ”;
- (b) omit paragraph (1)(d) (and the “or” before it);
- (c) in paragraph (2), omit “or paragraph 4(2) of Schedule 2 to the Immigration (European Economic Area) Regulations 2006”.

(4) The amendments made by paragraphs (2) and (3) do not apply in relation to—

- (a) any appeal which has been brought under the Immigration (European Economic Area) Regulations 2006 <sup>M2</sup> and has not been finally determined before commencement day;
- (b) any appeal which has been brought under the Immigration (European Economic Area) Regulations 2016 (whether before or after commencement day), and has yet to be finally determined;
- (c) any EEA decision under the Immigration (European Economic Area) Regulations 2016 (whether taken before or after commencement day), in respect of which an appeal has not been brought.

(5) For the purposes of paragraph (4)—

- (a) references to the Immigration (European Economic Area) Regulations 2016 are to those Regulations as they continue to have effect by virtue of these Regulations, the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 or

**Status:** Point in time view as at 31/12/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020, Section 33. (See end of Document for details)

the Citizens' Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020;

- (b) an appeal is not to be treated as finally determined while a further appeal may be brought, and, if such a further appeal is brought, the original appeal is not to be treated as finally determined until the further appeal is determined, withdrawn or abandoned.

**Commencement Information**

- I1** Reg. 33 not in force at made date, see [reg. 1](#)
- I2** Reg. 33 in force at 31.12.2020, see reg. 1(2) and [S.I. 2020/1279](#), [reg. 4\(c\)](#)

**Marginal Citations**

- M1** [S.I. 2008/2698](#), relevant amending instruments are [S.I. 2010/44](#), [2013/2067](#), [2020/61](#) and [2020/651](#).
- M2** [S.I. 2006/1003](#). Revoked by [S.I. 2016/1052](#) but see [paragraph 3](#) of Schedule 4 in respect of savings for appeals.

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