



# Asylum and Immigration (Treatment of Claimants, etc.) Act 2004

## 2004 CHAPTER 19

### *General*

#### **48 Commencement**

- (1) Sections 2, 32(2) and 35 shall come into force at the end of the period of two months beginning with the date on which this Act is passed.
- (2) Section 32(1) shall have effect in relation to determinations of the Special Immigration Appeals Commission made after the end of the period of two months beginning with the date on which this Act is passed.
- (3) The other preceding provisions of this Act shall come into force in accordance with provision made—
  - (a) in the case of section 26 or Schedule 1 or 2, by order of the Lord Chancellor,
  - (b) in the case of sections 4 and 5 in so far as they extend to Scotland, by order of the Scottish Ministers, and
  - (c) in any other case, by order of the Secretary of State.
- (4) An order under subsection (3)—
  - (a) may make transitional or incidental provision,
  - (b) may make different provision for different purposes, and
  - (c) shall be made by statutory instrument.
- (5) Transitional provision under subsection (4)(a) in relation to the commencement of section 26 may, in particular, make provision in relation to proceedings which, immediately before commencement—
  - (a) are awaiting determination by an adjudicator appointed, or treated as if appointed, under section 81 of the Nationality, Immigration and Asylum Act 2002 (c. 41),
  - (b) are awaiting determination by the Immigration Appeal Tribunal,

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**Changes to legislation:** *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (c) having been determined by an adjudicator could be brought before the Immigration Appeal Tribunal,
  - (d) are awaiting the determination of a further appeal brought in accordance with section 103 of that Act,
  - (e) having been determined by the Immigration Appeal Tribunal could be brought before another court by way of further appeal under that section,
  - (f) are or could be made the subject of an application under section 101 of that Act (review of decision on permission to appeal to Tribunal), or
  - (g) are or could be made the subject of another kind of application to the High Court or the Court of Session.
- (6) Provision made under subsection (5) may, in particular—
- (a) provide for the institution or continuance of an appeal of a kind not generally available after the commencement of section 26,
  - (b) provide for the termination of proceedings, or
  - (c) make any other provision that the Lord Chancellor thinks appropriate.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act excluded by [2024 c. 8 s. 2\(5\)\(a\)](#)<sup>5</sup>

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 8(1A)(1B) inserted by [2022 c. 36 s. 19\(2\)](#)
- s. 8(3A)(3B) inserted by [2022 c. 36 s. 19\(3\)](#)
- s. 8(6A)(6B) inserted by [2022 c. 36 s. 19\(4\)](#)
- s. 8(9A)(a) word inserted by [2022 c. 36 Sch. 3 para. 7\(b\)](#)
- s. 8(9A)(b) and word inserted by [2022 c. 36 Sch. 3 para. 7\(c\)](#)
- s. 8(9B) inserted by [2022 c. 36 s. 19\(6\)](#)
- Sch. 3 para. 3(3) inserted by [2023 c. 37 s. 10\(9\)\(a\)](#)
- Sch. 3 para. 8(3) inserted by [2023 c. 37 s. 10\(9\)\(b\)](#)
- Sch. 3 para. 13(3) inserted by [2023 c. 37 s. 10\(9\)\(c\)](#)