
STATUTORY INSTRUMENTS

1987 No. 465

MINISTERS OF THE CROWN

The Transfer of Functions (Immigration Appeals) Order 1987

<i>Made</i>	- - - -	<i>18th March 1987</i>
<i>Laid before Parliament</i>		<i>26th March 1987</i>
<i>Coming into force</i>	- -	<i>1st April 1987</i>

At the Court at Buckingham Palace, the 18th day of March 1987

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 of the Ministers of the Crown Act 1975(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and commencement

- 1.—(1) This Order may be cited as the Transfer of Functions (Immigration Appeals) Order 1987.
- (2) This Order shall come into force on 1st April 1987.

Transfer of functions

2. The functions of the Secretary of State under—
 - (a) section 12(a) of the Immigration Act 1971(2);
 - (b) section 22 of that Act; and
 - (c) paragraphs 1, 2, 3, 5, 9, 15 and 16 of Schedule 5 to that Act,are hereby transferred to the Lord Chancellor.

Consequential amendments

- 3.—(1) The said Act of 1971 shall be amended as follows.
- (2) For paragraphs (a) and (b) of section 12 there shall be substituted—

(1) 1975 c. 26.
(2) 1971 c. 77.

- “(a) members of the Tribunal and adjudicators shall be appointed by the Lord Chancellor; and
- (b) Schedule 5 to this Act shall have effect in relation to the adjudicators and the Tribunal.”.
- (3) In section 22 and paragraphs 1, 2, 3, 5, 9, 15 and 16 of Schedule 5 for the words “Secretary of State”, wherever they occur, there shall be substituted the words “Lord Chancellor”.
- (4) In section 31 after the words “expenses incurred” there shall be inserted the words “by the Lord Chancellor under Schedule 5 to this Act or” and paragraph (c) shall be omitted.

Supplementary

- 4.—(1) Any instrument made before the coming into force of this Order shall have effect, so far as may be necessary for the purpose or in consequence of the transfers effected by this Order, as if references to the Secretary of State were references to the Lord Chancellor.
- (2) This Order does not affect the validity of anything done by or in relation to the Secretary of State before the coming into force of this Order, and anything which at the time of the coming into force of this Order is in process of being done by or in relation to the Secretary of State may, if it relates to a function transferred by this Order, be continued by or in relation to the Lord Chancellor.
- (3) Anything done by the Secretary of State for the purpose of a function transferred by this Order, if in force at the coming into force of this Order, shall have effect, so far as required for continuing its effect after the coming into force of this Order, as if done by the Lord Chancellor.

G. I. de Deney
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfers to the Lord Chancellor from the Secretary of State the latter's functions in respect of:—

- (a) the appointment of adjudicators under section 12(a) of the Immigration Act 1971;
- (b) the power to make rules of procedure under section 22 of that Act;
- (c) the following matters referred to in Schedule 5, namely—
 - (i) the determination of the number of adjudicators and the appointment of the chief adjudicator (paragraph 1);
 - (ii) the resignation of an adjudicator (paragraph 2);
 - (iii) the remuneration, etc. of adjudicators (paragraph 3);
 - (iv) the times and places at which the adjudicators sit and the conferring of functions on the chief adjudicator (paragraph 5);
 - (v) the remuneration, etc. of members of the Immigration Appeal Tribunal (paragraph 9);
 - (vi) the appointment of officers and servants for adjudicators and the Tribunal (paragraph 15);
 - (vii) the remuneration of such officers and servants and the expenses of the adjudicators and the Tribunal (paragraph 16).