
STATUTORY INSTRUMENTS

2000 No. 2444

The Immigration and Asylum Act 1999 (Commencement No. 6, Transitional and Consequential Provisions) Order 2000

Citation and interpretation

1.—(1) This Order may be cited as the Immigration and Asylum Act 1999 (Commencement No. 6, Transitional and Consequential Provisions) Order 2000.

(2) In this Order—

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

“the 1993 Act” means the Asylum and Immigration Appeals Act 1993(2);

“the 1996 Act” means the Asylum and Immigration Act 1996(3);

“the 1997 Act” means the Special Immigration Appeals Commission Act 1997(4);

“the 1999 Act” means the Immigration and Asylum Act 1999.

Commencement

2. The provisions of the 1999 Act specified in column 1 of Schedule 1 to this Order shall come into force on the date specified in column 2 of that Schedule, subject to the transitional provisions contained in this Order, but where a particular purpose is specified in relation to any such provision in column 3 of that Schedule, the provision concerned shall come into force on that date only for that purpose.

Transitional provisions

3.—(1) Subject to Schedule 2—

(a) the new appeals provisions are not to have effect in relation to events which took place before 2nd October 2000 and, notwithstanding their repeal by the provisions of the 1999 Act commenced by this Order, the old appeals provisions are to continue to have effect in relation to such events;

(b) the new procedural provisions are to apply to appeals under the old appeals provisions as well as the new appeals provisions; and

(c) references in the new procedural provisions to the new appeal rights (however expressed) are to be construed as including a reference to the equivalent provision of the old appeal rights.

(2) Schedule 2, which makes further transitional provision in respect of the 1999 Act, has effect.

(1) 1971 c. 77.

(2) 1993 c. 23.

(3) 1996 c. 49.

(4) 1997 c. 68.

Definitions for transitional provisions

4.—(1) In article 3—

(a) “the new appeals provisions” means sections 59, 61, 63, 65, 66, 67 and 69 of the 1999 Act; together with any provision (including subordinate legislation) of—

(i) the 1999 Act; and

(ii) the 1971 and 1993 Acts (as amended by the 1999 Act);

which refers to those provisions;

(b) “the old appeals provisions” means—

(i) sections 13 (but not subsections (3AA) and (3AB)), 14, 15, 16, 17 of the 1971 Act;

(ii) subsections (1) to (4) of section 8 of the 1993 Act; and

(iii) subsections (1) and (2) of section 3 of the 1996 Act;

together with—

(iv) any subordinate legislation which applies to those provisions; and

(v) any provision of the old Immigration Acts (including subordinate legislation) which refers to those provisions;

(c) “the new procedural provisions” means—

(i) subsections (5) to (10) of section 58 of the 1999 Act; and

(ii) paragraphs 6 to 8 and 21 to 24 of Schedule 4 to the 1999 Act.

(2) For the purposes of article 3, an event takes place when—

(a) a notice is served;

(b) a decision is made or taken;

(c) directions are given; and

(d) a certificate is issued.

(3) For the purposes of article 3 and Schedule 2—

(a) a notice is served;

(b) a decision is made or taken;

(c) directions are given; and

(d) a certificate is issued;

on the day on which it is or they are sent to the person concerned, if sent by post or by fax, or delivered to that person, if delivered by hand.

(4) In this article—

(a) “the old Immigration Acts” means the 1971 Act, the 1993 Act and the 1996 Act, all without the amendments made by the 1999 Act;

(b) “the person concerned” means the person who is the subject of the notice, decision, directions or certificate or the person who appears to be his representative; and

(c) a reference to the issue of a certificate is a reference to the issue of a certificate in relation to the removal of asylum claimants to safe third countries.

Consequential provision

5. The reference in section 46(3)(a) of the Criminal Justice Act 1991⁽⁵⁾ to a person who is liable to deportation under section 3(5) of the 1971 Act is to be read, from 2nd October 2000, as including a reference to a person who may be removed from the United Kingdom in accordance with section 10 of the 1999 Act.

Home Office
11th September 2000

Barbara Roche
Minister of State