

2003 No. 1339 (C. 28)

IMMIGRATION

**The Nationality, Immigration and Asylum Act 2002
(Commencement No. 4) (Amendment) (No. 2) Order 2003**

Made - - - - - *20th May 2003*

The Secretary of State, in exercise of the powers conferred on him by section 162(1) and (6) of the Nationality, Immigration and Asylum Act 2002^(a), hereby makes the following Order:

1. This Order may be cited as the Nationality, Immigration and Asylum Act 2002 (Commencement No. 4) (Amendment) (No. 2) Order 2003.

2.—(1) Article 3 of this Order shall come into force on the day after it is made.

(2) Article 4 of this Order shall come into force on 9th June 2003.

3. In Schedule 1 to the Nationality, Immigration and Asylum Act 2002 (Commencement No. 4) Order 2003^(b) in column 2, in relation to section 123 of the Nationality, Immigration and Asylum Act 2002 (advice about work permit & c.), for “1st June 2003” substitute “1st December 2003”.

4. In paragraph 1 of Schedule 2 to the Nationality, Immigration and Asylum Act 2002 (Commencement No. 4) Order 2003, after sub-paragraph (4) insert—

“(4A) Section 101(1) shall apply to a party to an appeal to an adjudicator under Part 4 of the 1999 Act which is determined on or after 9th June 2003, as it applies to a party to an appeal to an adjudicator under section 82 or 83.

(4B) Where section 101(1) applies by virtue of sub-paragraph (4A) above—

(a) sections 101(2) and (3), 102 and 103 shall apply in relation to any appeal or application for permission to appeal under section 101(1) subject to the modifications that—

(i) in section 102(1)(d), the reference to section 87 shall be treated as being a reference to paragraph 21 of Schedule 4 to the 1999 Act; and

(ii) in section 102(3), the reference to section 82 shall be treated as being a reference to Part 4 of the 1999 Act; and

(b) paragraphs 7, 22 and 23 of Schedule 4 to the 1999 Act shall not apply.”.

Home Office
20th May 2003

Beverley Hughes
Minister of State

(a) 2002 c. 41.

(b) S.I. 2003/754 (C. 37) as amended by S.I. 2003/1040 (C. 54).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Nationality, Immigration and Asylum Act 2002 (Commencement No. 4) Order 2003. Article 3 amends the date on which section 123 of the Nationality, Immigration and Asylum Act 2002 comes into force from 1st June 2003 to 1st December 2003. Article 4 amends the transitional provisions for appeals by applying sections 101(1)–(3), 102 and 103 of the 2002 Act (which relate to further appeals by a party to an appeal to an adjudicator, and to statutory review of decisions of the Immigration Appeal Tribunal upon applications for permission to appeal against an adjudicator's determination) in relation to an appeal under Part 4 of the Immigration and Asylum Act 1999 which is determined by an adjudicator on or after 9th June 2003.

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