

SCHEDULE 2

Transitional provisions relating to the appeals provisions of the 1971 Act

2.—(1) In this paragraph, a reference to a section or to a Schedule is to be read as a reference to a section of, or to a Schedule to, the 1971 Act, unless otherwise specified.

(2) Section 3C of the 1971 Act (continuation of leave pending variation decision), as substituted by section 118 of the 2002 Act, shall apply in relation to an application made before 1st April 2002, in respect of which no decision has been made on or before 1st April 2002, as it applies to such an application made after 1st April 2002.

(3) Section 5 (procedure for, and further provisions as to, deportation) is to continue to have effect in relation to—

- (a) any person on whom the Secretary of State has, before 2nd October 2000, served a notice of his decision to make a deportation order; and
- (b) any person—
 - (i) who applied during the regularisation period fixed by section 9 of the 1999 Act, in accordance with the Immigration (Regularisation Period for Overstayers) Regulations 2000(1), for leave to remain in the United Kingdom; and
 - (ii) on whom the Secretary of State has since served a notice of his decision to make a deportation order;

and, for the purposes of section 5, such a person is to be taken to be a person who is liable to deportation under section 3(5).

(4) Section 13 (appeals against exclusions from the United Kingdom) is to continue to have effect where the decision to refuse leave to enter the United Kingdom, or to refuse a certificate of entitlement or an entry clearance, was made before 2nd October 2000.

(5) Section 14 (appeals against conditions) is to continue to have effect where the decision to vary, or to refuse to vary, the limited leave to enter or remain was made before 2nd October 2000.

(6) Section 15 (appeals in respect of deportation orders) is to continue to have effect in relation to—

- (a) any person on whom the Secretary of State has, before 2nd October 2000, served a notice of his decision to make a deportation order; and
- (b) any person—
 - (i) who applied during the regularisation period fixed by section 9 of the 1999 Act, in accordance with the Immigration (Regularisation Period for Overstayers) Regulations 2000, for leave to remain in the United Kingdom; and
 - (ii) on whom the Secretary of State has since served a notice of his decision to make a deportation order.

(7) Section 16 (appeals against validity of directions for removal) is to continue to have effect where the directions for a person's removal from the United Kingdom were given before 2nd October 2000.

(8) Section 17 (appeals against removal on objection to destination) is to continue to have effect—

- (a) where the directions for a person's removal from the United Kingdom were given, or the notice specifying the destination of his removal was served, before 2nd October 2000; and
- (b) in relation to any person—

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- (i) who applied during the regularisation period fixed by section 9 of the 1999 Act, in accordance with the Immigration (Regularisation Period for Overstayers) Regulations 2000, for leave to remain in the United Kingdom; and
- (ii) on whom the Secretary of State has since served a notice of his decision to make a deportation order.

(9) Section 21 (references of cases by Secretary of State for further consideration) (including that section as applied by paragraph 4 of Schedule 2 to the 1993 Act) is to continue to have effect where the Secretary of State has referred a matter for consideration under that section before 2nd October 2000.

(10) Where an appeal is made under Part II (including that Part as it applies by virtue of Schedule 2 to the 1993 Act)—

- (a) paragraph 28 of Schedule 2 (stay on directions for removal) (including that paragraph as applied by paragraph 9 of Schedule 2 to the 1993 Act) is to continue to have effect;
- (b) the following provisions are not to have effect—
 - (i) paragraph 29(1) of Schedule 2 (grant of bail pending appeal) (including that paragraph as applied by paragraph 9 of Schedule 2 to the 1993 Act and by section 3(6) of the 1996 Act), as amended by paragraph 66 of Schedule 14 to the 1999 Act;
 - (ii) paragraph 3 of Schedule 3 (effect of appeals) including that paragraph as applied by paragraph 9 of Schedule 2 to the 1993 Act), as amended by paragraph 69 of Schedule 14 to the 1999 Act.