
STATUTORY INSTRUMENTS

2014 No. 2771

**The Immigration Act 2014 (Commencement No. 3,
Transitional and Saving Provisions) Order 2014**

PART 1

Introduction and days appointed

Citation and interpretation

1.—(1) This Order may be cited as the Immigration Act 2014 (Commencement No. 3, Transitional and Saving Provisions) Order 2014.

(2) In this Order—

- (a) “the 1971 Act” means the Immigration Act 1971(1);
- (b) “the 2002 Act” means the Nationality, Immigration and Asylum Act 2002(2);
- (c) “the Act” means the Immigration Act 2014;
- (d) “the relevant provisions” means section 1 (removal of persons unlawfully in the UK), section 15 (right of appeal to First-tier Tribunal) and section 17(2) (place from which appeal may be brought or continued) of, and paragraphs 3, 4, 5, 6 and 7 and Part 4 of Schedule 9 (apart from paragraph 26(2), (3) and (5)) (transitional and consequential provision relating to appeals) to, the Act;
- (e) “the saved provisions” means section 10 of the Immigration and Asylum Act 1999(3), sections 62, 72 and 76, and Part 5 of the 2002 Act(4), section 8(7) of the Asylum and

(1) 1971 c. 77.

(2) 2002 c. 41.

(3) 1999 c. 33; section 10 was amended by sections 73(4), 74, 75(4) and 76(7) of, and paragraph 1 of Schedule 9 to, the Nationality, Immigration and Asylum Act 2002 (c. 41), section 48 of the Immigration, Asylum and Nationality Act 2006 (c. 13), and paragraph 2(3) of Schedule 1 to the Immigration Act 2014 (c. 22).

(4) 2002 c. 41; section 62 was amended by section 16(2)(c) of the Prevention of Terrorism Act 2005 (c. 2) and paragraph 13 of Schedule 9 to the Immigration Act 2014 (c. 22); section 72 was amended by paragraph 2 of Schedule 1 to the Immigration, Asylum and Nationality Act 2006 (c. 13), paragraph 17 of Schedule 2 to the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), section 39(2) and (3) of the UK Borders Act 2007 (c. 30), and paragraph 21 of Schedule 1 to the Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21); section 81 was amended by the Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21); section 82 was amended by sections 26(2) and 31 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, sections 2, 47(6) and 57(2) of, and Schedule 3 to, the Immigration, Asylum and Nationality Act 2006, section 35 of the UK Borders Act 2007 and section 15(2) of the Immigration Act 2014; section 83 was amended by section 26(3) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004; section 83A was inserted by section 1 of the Immigration, Asylum and Nationality Act 2006; section 84 was amended by the Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 (S.I. 2011/1060), the Race Relations Order (Amendment) Regulations (Northern Ireland) 2003 (S.I. 2003/341), section 51(1) of the Crime and Courts Act 2013 (c. 22), the Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043) and section 3 of the Immigration, Asylum and Nationality Act 2006; section 85 was amended by section 26(7) of, and Schedule 2 to, the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, section 14 of, and Schedule 1 to, the Immigration and Nationality Act 2006 and section 19(1) of the UK Borders Act 2007 (c. 30); section 85A was inserted by section 19(2) of the UK Borders Act 2007 and amended by the Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21); section 86 was amended by section 14 of, and Schedule 1 to, the Immigration, Asylum and Nationality Act 2006 and section 26(7) of, and Schedule 2 to, the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004; section 87 was amended by sections 26(7) and 47 of, and Schedules 2 and 4 to, the Asylum and Immigration (Treatment of Claimants, etc.)

Immigration (Treatment of Claimants, etc) Act 2004(5), section 47 of the Immigration, Asylum and Nationality Act 2006(6) and paragraph 19(10) of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012(7), as in force immediately prior to 20th October 2014.

Provisions coming into force on 20th October 2014 subject to saving provision

2. The day appointed for the coming into force of the following provisions of the Act, subject to the saving provision in articles 9, 10 and 11, is 20th October 2014—

- (a) section 1;
- (b) section 15;
- (c) section 17(2);

Act 2004, section 14 of, and Schedule 1 to, the Immigration, Asylum and Nationality Act 2006 and the Transfer of Functions of the Asylum and Immigration Tribunal Order (S.I. 2010/21); section 88 was amended by section 5 of the Immigration, Asylum and Nationality Act 2006; section 88A was inserted by section 29(1) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 and amended by section 4(1) of the Immigration, Asylum and Nationality Act 2006; section 89 was amended by section 6 of the Immigration, Asylum and Nationality Act 2006; section 90 was amended by section 4(1) of the Immigration, Asylum and Nationality Act 2006; section 91 was amended by section 4(1) of the Immigration, Asylum and Nationality Act 2006; section 92 was amended by section 47(7) of the Immigration, Asylum and Nationality Act 2006, sections 53(1) and (2) of the Crime and Courts Act 2013, section 28 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 and the Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043); section 93 was repealed by sections 33(3) and (b) and 47 of, and Schedule 4 to, the Asylum and Immigration (Treatment of Claimants, etc) Act 2004; section 94 was amended by sections 27(1), (2), (3), (4), (5), (6) and (7) and 47 of, and Schedule 4 to, the Asylum and Immigration (Treatment of Claimants, etc) Act 2004, sections 13 and 47(8) of the Immigration, Asylum and Nationality Act 2006, the Asylum (Designated States) Order 2003 (S.I. 2003/970), the Asylum (Designated States) (Amendment) Order 2006 (S.I. 2006/3215), the Asylum (Designated States) Order 2007 (S.I. 2007/2221), the Asylum (Designated States) (No 2) Order 2003 (S.I. 2003/1919), the Asylum (Designated States) (Amendment) Order 2005 (S.I. 2005/1016), the Asylum (Designated States) (Amendment) (No 2) Order 2006 (S.I. 2006/3275), the Asylum (Designated States) Order 2005 (S.I. 2005/330), the Asylum (Designated States) (No 2) Order 2005 (S.I. 2005/3306), the Asylum (Designated States) Order 2010 (S.I. 2010/561) and the Asylum (Procedures) Regulations 2007 (S.I. 2007/3187); section 94A was inserted by the Asylum (Procedures) Regulations 2007 (S.I. 2007/3187) and amended by the Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043); section 96 was amended by sections 30(1), (2), (3) and (4) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004; section 97 was amended by section 14 of, and Schedule 1 to, the Immigration, Asylum and Nationality Act 2006; section 97A was inserted by section 7(1) of the Immigration, Asylum and Nationality Act 2006 and amended by sections 54(1), (2), (3) and (4) of the Crime and Courts Act 2013; section 97B was inserted by sections 53(1) and (3) of the Crime and Courts Act 2013; section 99 was amended by sections 51(2)(a) and (b) of the Crime and Courts Act 2013; sections 100, 101, 102 and 103 were repealed by sections 26(5)(a) and 47 of, and Schedule 4 to, the Asylum and Immigration (Treatment of Claimants, etc) Act 2004; sections 103A, 103B, 103C, 103D and 103E were inserted by section 26(6) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 and repealed by the Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21); section 104 was amended by the Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21), sections 26(7) and 47 of, and Schedule 2 to, the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 and section 9 of the Immigration, Asylum and Nationality Act 2006; section 106 was amended by the Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21), sections 26(7) and 47 of, and Schedule 2 to, the Asylum and Immigration (Treatment of Claimants, etc) Act 2004; section 107 was amended by the Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21), section 48(1) of, and Schedule 8 to, the Tribunals, Courts and Enforcement Act 2007 and sections 26(7) and 47 of, and Schedule 2 to, the Asylum and Immigration (Treatment of Claimants, etc) Act 2004; section 108 was amended by section 14 of, and Schedule 1 to, the Immigration, Asylum and Nationality Act 2006 and section 26(7) of, and Schedule 2 to, the Asylum and Immigration (Treatment of Claimants, etc) Act 2004; section 109 was amended by the Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043); section 110 was repealed by sections 10 and 61 of, and Schedule 3 to, the Immigration, Asylum and Nationality Act 2006; section 111 was repealed by sections 54(c) and 58 of, and the Schedule to, the UK Borders Act 2007; section 112 was amended by the Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21), sections 26(7), 27(8) and 29(2) of, and Schedule 2 to, the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 and section 7(2) of the Immigration, Asylum and Nationality Act 2006; section 113 was amended by sections 12(1), (2) and (3) of the Immigration, Asylum and Nationality Act 2006; section 115 was amended by the Asylum (Designated States) Order 2003 (S.I. 2003/970); and section 116 was repealed by section 39(1) of, and Schedule 5 to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 41).

- (5) 2004 c. 19; section 8(7) was amended by paragraph 32(a), (b) and (c) of Schedule 1 to the Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21).
- (6) 2006 c. 13; section 47 was amended by section 51(3) of the Crime and Courts Act 2013 (c. 22) and paragraph 2(4) of Schedule 1 to the Immigration Act 2014 (c. 22).
- (7) 2012 c. 10.

- (d) section 73(6) (transitional and consequential provision) so far as is necessary for the purpose of the provisions listed in sub-paragraph (e);
- (e) paragraphs 1, 3, 4, 5, 6, 7, 9 and 10(2), and Part 4 of Schedule 9 to the extent not already commenced, apart from paragraph 26(2), (3) and (5).

Part 4 provisions coming into force on 20th October 2014

3. The day appointed for the coming into force of the following provisions of Part 4 of the Act (marriage and civil partnership), is 20th October 2014—

- (a) section 49 (exempt persons) so far as is necessary for the purpose of making regulations;
- (b) section 50 (conduct of investigation) so far as is necessary for the purpose of making regulations;
- (c) section 51 (investigations: supplementary) so far as is necessary for the purpose of making regulations;
- (d) section 52 (referral of proposed marriages and civil partnerships in England and Wales) so far as is necessary for the purpose of the provisions listed in sub-paragraph (e);
- (e) paragraphs 1 (so far as it relates to the following provisions listed in this paragraph) and 4, 7, 8, 10, 15, 17, 18, 20, 21, 23, 24, 27 and 28 of Schedule 4 (referral of proposed marriages and civil partnerships in England and Wales) so far as is necessary for the purpose of making regulations;
- (f) section 53 (extension of scheme to Scotland and Northern Ireland) so far as is necessary for the purpose of making orders;
- (g) section 54 (supplementary provisions) so far as is necessary for the purpose of making regulations;
- (h) Schedule 5 (sham marriage and civil partnerships: administrative regulations);
- (i) section 60 (regulations about evidence);
- (j) section 61 (notices).

Other provisions coming into force on 20th October 2014

4. The day appointed for the coming into force of the following provisions of the Act is 20th October 2014—

- (a) section 7(3), (4) and (6) (immigration bail: repeat applications and effect of removal directions);
- (b) section 16 (report by Chief Inspector on administrative review);
- (c) section 38 (immigration health charge);
- (d) section 63 (immigration advisers and immigration service providers) so far as is necessary for the purpose of the provisions listed in sub-paragraph (f);
- (e) section 73(6) (transitional and consequential provision) so far as is necessary for the purpose of the provision listed in sub-paragraph (g);
- (f) paragraphs 1 and 3 of Schedule 7;
- (g) paragraph 1 of Schedule 9.

Provisions coming into force on 17th November 2014

5. The day appointed for the coming into force of the following provisions of the Act is 17th November 2014—

- (a) section 63 (immigration advisers and immigration service providers) so far as is necessary for the purpose of the provisions listed in sub-paragraph (c);
- (b) section 73(6) (transitional and consequential provision) so far as it is necessary for the purpose of the provisions listed in sub-paragraph (d);
- (c) Schedule 7 (immigration advisers and immigration service providers) to the extent not already commenced;
- (d) Part 8 of Schedule 9 (transitional and consequential provision relating to immigration advisers and immigration service providers).

Provisions coming into force on 1st December 2014 in certain areas only

6.—(1) The day appointed for the coming into force of the following provisions of the Act is 1st December 2014 in respect of premises located in the areas of the relevant local authorities specified in paragraph (2)—

- (a) section 20 (residential tenancy agreement);
 - (b) section 21 (persons disqualified by immigration status or with limited right to rent);
 - (c) section 22 (persons disqualified by immigration status not to be leased premises);
 - (d) section 23 (penalty notices: landlords);
 - (e) section 24 (excuses available to landlords);
 - (f) section 25 (penalty notices: agents);
 - (g) section 26 (excuses available to agents);
 - (h) section 27 (eligibility period);
 - (i) section 28 (penalty notices: general);
 - (j) section 29 (objection);
 - (k) section 30 (appeals);
 - (l) section 31 (enforcement); and
 - (m) Schedule 3 (excluded residential tenancy agreements).
- (2) The relevant local authorities are—
- (a) Birmingham City Council;
 - (b) Dudley Metropolitan Borough Council;
 - (c) Sandwell Metropolitan Borough Council;
 - (d) Walsall Metropolitan Borough Council; and
 - (e) Wolverhampton City Council.

Provisions coming into force on 1st December 2014

7. The day appointed for the coming into force of the following provisions of the Act is 1st December 2014—

- (a) section 32 (general matters);
- (b) section 33 (discrimination);
- (c) section 34 (orders);
- (d) section 35 (transitional provision);
- (e) section 36 (Crown application); and
- (f) section 37 (interpretation).

Provisions coming into force on 15th December 2014

8. The day appointed for the coming into force of the following provisions of the Act is 15th December 2014—

- (a) section 68 (fees);
- (b) section 69 (fees orders and fees regulations: supplemental);
- (c) section 73(6) (transitional and consequential provision) so far as it is necessary for the purpose of the provisions listed in sub-paragraph (d);
- (d) Part 11 of Schedule 9 (transitional and consequential provision relating to fees).