

SCHEDULES

SCHEDULE 2

ADMINISTRATIVE PROVISIONS AS TO CONTROL ON ENTRY ETC.

PART II

EFFECT OF APPEALS

Stay on directions for removal

- 28 (1) Where a person in the United Kingdom appeals under section 13(1) of this Act on being refused leave to enter, any directions previously given by virtue of the refusal for his removal from the United Kingdom shall cease to have effect, except in so far as they have already been carried out, and no directions shall be so given so long as the appeal is pending.
- (2) Where a person in the United Kingdom appeals under section 16 or 17 of this Act against any directions given under Part I of this Schedule for his removal from the United Kingdom, those directions, except in so far as they have already been carried out, shall be of no effect so long as the appeal is pending.
- (3) Notwithstanding sub-paragraph (1) or (2) above, the provisions of Part I of this Schedule with respect to detention and persons liable to detention shall apply to a person appealing under section 13(1), 16 or 17 of this Act as if there were in force directions for his removal from the United Kingdom, except that he shall not be detained on board a ship or aircraft so as to compel him to leave the United Kingdom while the appeal is pending.
- (4) In calculating the period of two months limited by paragraph 8(2) above for the giving of directions under that paragraph for the removal of a person from the United Kingdom, there shall be disregarded any period during which there is pending an appeal by him under section 13(1) or 17 of this Act.
- (5) For purposes of sub-paragraphs (1) to (3) above (but not for purposes of sub-paragraph (4)), where an appeal to an adjudicator is dismissed, an appeal shall not be regarded as pending unless forthwith after the dismissal—
- (a) the appellant duly gives notice of appeal against the determination of the adjudicator ; or
 - (b) in a case in which leave to appeal against that determination is required and the adjudicator has power to grant leave, the appellant duly applies for and obtains the leave of the adjudicator.
- (6) Where directions are given under Part I of this Schedule for anyone's removal from the United Kingdom, and directions are also so given for the removal with him of persons belonging to his family, then if any of them appeals under section 13(1), 16 or 17 of this Act, the appeal shall have the like effect under this paragraph in relation

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to the directions given in respect of each of the others as it has in relation to the directions given in respect of the appellant.