

*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Sections 37(6) and 42(8).

#### SALE OF TRANSPORTERS

##### Modifications etc. (not altering text)

- C1** S. 37 (and Sch. 1) applied (with modifications) (7.2.2001 for certain purposes and otherwise 1.3.2001) by S.I. 2001/280, [arts. 1-4](#) (with [art. 5](#))

VALID FROM 03/04/2000

##### *Leave of court required*

- 1 (1) The sale of a transporter requires the leave of the court.
- (2) The court is not to give its leave except on proof—
- (a) that the penalty or charge is or was due;
  - (b) that the person liable to pay it or any connected expenses has failed to do so; and
  - (c) that the transporter which the Secretary of State seeks leave to sell is liable to sale.

##### Commencement Information

- II** Sch. 1 para. 1 partly in force; Sch. 1 para. 1 not in force at Royal Assent see s. 170(4); Sch. 1 para. 1 in force for certain purposes at 3.4.2000 by [S.I. 2000/464](#), [art. 2](#), [Sch.](#)

##### *Notice of proposed sale*

- 2 Before applying for leave to sell a transporter, the Secretary of State must take such steps as may be prescribed—
- (a) for bringing the proposed sale to the notice of persons whose interests may be affected by a decision of the court to grant leave; and
  - (b) for affording to any such person an opportunity of becoming a party to the proceedings if the Secretary of State applies for leave.

VALID FROM 08/12/2002

- [<sup>F1</sup>2A** Where the owner of a transporter is a party to an application for leave to sell it, in determining whether to give leave the court shall consider—

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- (a) the extent of any hardship likely to be caused by sale,
- (b) the extent (if any) to which the owner is responsible for the matters in respect of which the penalty notice was issued, and
- (c) any other matter which appears to the court to be relevant (whether specific to the circumstances of the case or of a general nature).]

#### Textual Amendments

- F1** Sch. 1 para. 2A inserted (8.12.2002 for certain purposes, otherwise prosp.) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 125, 162(1), Sch. 8 para. 16(3) (with s. 159); S.I. 2002/2811, art. 2, Sch. (with art. 4)

VALID FROM 03/04/2000

#### *Duty to obtain best price*

- 3 If leave for sale is given, the Secretary of State must secure that the transporter is sold for the best price that can reasonably be obtained.

#### Commencement Information

- I2** Sch. 1 para. 3 partly in force; Sch. 1 para. 3 not in force at Royal Assent see s. 170(4); Sch. 1 para. 3 in force for certain purposes at 3.4.2000 by S.I. 2000/464, art. 2, Sch.

VALID FROM 03/04/2000

#### *Effect of failure to comply with paragraph 2 or 3*

- 4 Failure to comply with any requirement of paragraph 2 or 3 in respect of any sale—
- (a) is actionable against the Secretary of State at the suit of any person suffering loss in consequence of the sale; but
  - (b) after the sale has taken place, does not affect its validity.

#### Commencement Information

- I3** Sch. 1 para. 4 partly in force; Sch. 1 para. 4 not in force at Royal Assent see s. 170(4); Sch. 1 para. 4 in force for certain purposes at 3.4.2000 by S.I. 2000/464, art. 2, Sch.

#### *Application of proceeds of sale*

- 5 (1) Any proceeds of sale arising from a sale under section 37 or 42 must be applied—
- (a) in making prescribed payments; and

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- (b) in accordance with such provision as to priority of payments as may be prescribed.
- (2) The regulations may, in particular, provide for proceeds of sale to be applied in payment—
- (a) of customs or excise duty,
  - (b) of value added tax,
  - (c) of expenses incurred by the Secretary of State,
  - (d) of any penalty or charge which the court has found to be due,
  - (e) in the case of the sale of an aircraft, of charges due as a result of regulations made under section 73 of the <sup>M1</sup>Civil Aviation Act 1982,
  - (f) of any surplus to or among the person or persons whose interests in the transporter have been divested as a result of the sale,
- but not necessarily in that order of priority.

**Marginal Citations**

**M1** 1982 c. 16.

VALID FROM 14/02/2000

SCHEDULE 2

Section 56(2).

THE IMMIGRATION APPEAL TRIBUNAL

**Modifications etc. (not altering text)**

**C2** Sch. 2 modified (14.2.2000) by S.I. 2000/168, art. 3

VALID FROM 14/02/2000

SCHEDULE 3

Section 57(3).

ADJUDICATORS

**Modifications etc. (not altering text)**

**C3** Sch. 3 modified (14.2.2000) by S.I. 2000/168, art. 3

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VALID FROM 14/02/2000

SCHEDULE 4

Section 58(2) to (4).

APPEALS

**Modifications etc. (not altering text)**

- C4 [Sch. 4](#) applied (with modifications) (2.10.2000) by [S.I. 2000/2326](#), [reg. 29\(4\)](#), [Sch. 2](#) (with application as mentioned in [regs. 9, 28](#) of the said S.I.)

VALID FROM 22/05/2000

SCHEDULE 5

Section 83.

THE IMMIGRATION SERVICES COMMISSIONER

VALID FROM 01/08/2000

SCHEDULE 6

Section 85(3).

REGISTRATION

VALID FROM 01/08/2000

SCHEDULE 7

Section 87(5).

THE IMMIGRATION SERVICES TRIBUNAL

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## SCHEDULE 8

Section 95(12).

### PROVISION OF SUPPORT: REGULATIONS

#### *General regulation-making power*

- 1 The Secretary of State may by regulations make such further provision with respect to the powers conferred on him by section 95 as he considers appropriate.

#### *Determining whether a person is destitute*

- 2 (1) The regulations may provide, in connection with determining whether a person is destitute, for the Secretary of State to take into account, except in such circumstances (if any) as may be prescribed—
- (a) income which the person concerned, or any dependant of his, has or might reasonably be expected to have, and
  - (b) support which is, or assets of a prescribed kind which are, or might reasonably be expected to be, available to him or to any dependant of his, otherwise than by way of support provided under section 95.
- (2) The regulations may provide that in such circumstances (if any) as may be prescribed, a person is not to be treated as destitute for the purposes of section 95.

#### **Modifications etc. (not altering text)**

- C15** Sch. 8 para. 2 applied (with modifications) (6.12.1999) by 1948 c. 29, s. 21(1B) (as inserted by 1999 c. 33, ss. 116, 169(2), Sch. 15 para. 5; S.I. 1999/3190, art. 2, Sch.)  
Sch. 8 para. 2 applied (with modifications) (6.12.1999) by 1968 c. 46, s. 45(4B) (as inserted by 1999 c. 33, ss. 117(1), 169(2), Sch. 15 para. 6; S.I. 1999/3190, art. 2, Sch.)  
Sch. 8 para. 2 applied (with modifications) (6.12.1999) by 1977 c. 49, Sch. 8 para. 2(2B) (as inserted by 1999 c. 33, ss. 117(2), 169(2), Sch. 15 para. 9; S.I. 1999/3190, art. 2 Sch.)  
Sch. 8 para. 2 applied (with modifications) (*prosp.*) by 1968 c. 49, ss. 12(2B), 13A(5), 13B(4) (as inserted by 1999 c. 33, ss. 120(1)-(3), 169(2), 170(4), Sch. 15 para. 7)  
Sch. 8 para. 2 applied (with modifications) (*prosp.*) by 1984 c. 36, ss. 7(4), 8(5) (as inserted by 1999 c. 33, ss. 120(4)(5), 169(2), 170(4), Sch. 15 para. 10)

#### *Prescribed levels of support*

- 3 The regulations may make provision—
- (a) as to the circumstances in which the Secretary of State may, as a general rule, be expected to provide support in accordance with prescribed levels or of a prescribed kind;
  - (b) as to the circumstances in which the Secretary of State may, as a general rule, be expected to provide support otherwise than in accordance with the prescribed levels.

#### *Provision of items and services*

- 4 The regulations may make provision for prescribed items or services to be provided or made available to persons receiving support under section 95 for such purposes and in such circumstances as may be prescribed.

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*Support and assets to be taken into account*

- 5 The regulations may make provision requiring the Secretary of State, except in such circumstances (if any) as may be prescribed, to take into account, when deciding the level or kind of support to be provided—
- (a) income which the person concerned, or any dependant of his, has or might reasonably be expected to have, and
  - (b) support which is, or assets of a prescribed kind which are, or might reasonably be expected to be, available to him or to any dependant of his, otherwise than by way of support provided under section 95.

*Valuation of assets*

- 6 The regulations may make provision as to the valuation of assets.

*Breach of conditions*

- 7 The regulations may make provision for the Secretary of State to take into account, when deciding—
- (a) whether to provide, or to continue to provide, support under section 95, or
  - (b) the level or kind of support to be provided,
- the extent to which any condition on which support is being, or has previously been, provided has been complied with.

*Suspension or discontinuation of support*

- 8 (1) The regulations may make provision for the suspension or discontinuance of support under section 95 in prescribed circumstances (including circumstances in which the Secretary of State would otherwise be under a duty to provide support).
- (2) The circumstances which may be prescribed include the cessation of residence—
- (a) in accommodation provided under section 95; or
  - (b) at an address notified to the Secretary of State in accordance with the regulations.

*Notice to quit*

- 9 (1) The regulations may provide that if—
- (a) as a result of support provided under section 95, a person has a tenancy or a licence to occupy accommodation,
  - (b) one or more of the conditions mentioned in sub-paragraph (2) are satisfied, and
  - (c) he is given such notice to quit as may be prescribed by the regulations,
- his tenancy or licence is to be treated as ending with the period specified in that notice, regardless of when it could otherwise be brought to an end.
- (2) The conditions are that—
- (a) the support provided under section 95 is suspended or discontinued as a result of any provision of a kind mentioned in paragraph 8;
  - (b) the relevant claim for asylum has been determined;
  - (c) the supported person has ceased to be destitute;

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- (d) he is to be moved to other accommodation.

*Contributions to support*

- 10 The regulations may make provision requiring a supported person to make payments to the Secretary of State, in prescribed circumstances, by way of contributions to the cost of the provision of that support.

*Recovery of sums by Secretary of State*

- 11 (1) The regulations may provide for the recovery by the Secretary of State of sums representing the whole or part of the monetary value of support provided to a person under section 95 where it appears to the Secretary of State—
- (a) that that person had, at the time when he applied for support, assets of any kind in the United Kingdom or elsewhere which were not capable of being realised; but
  - (b) that those assets have subsequently become, and remain, capable of being realised.
- (2) An amount recoverable under regulations made by virtue of sub-paragraph (1) may be recovered—
- (a) as if it were a debt due to the Secretary of State; or
  - (b) by such other method of recovery, including by deduction from support provided under section 95 as may be prescribed.

*Procedure*

- 12 The regulations may make provision with respect to procedural requirements including, in particular, provision as to—
- (a) the procedure to be followed in making an application for support;
  - (b) the information which must be provided by the applicant;
  - (c) the circumstances in which an application may not be entertained;
  - (d) the making of further enquiries by the Secretary of State;
  - (e) the circumstances in which, and person by whom, a change of circumstances of a prescribed description must be notified to the Secretary of State.

SCHEDULE 9

Section 95(13).

ASYLUM SUPPORT: INTERIM PROVISIONS

- 1 (1) The Secretary of State may by regulations make provision requiring prescribed local authorities or local authorities falling within a prescribed description of authority to provide support, during the interim period, to eligible persons.
- (2) “Eligible persons” means—
- (a) asylum-seekers, or
  - (b) their dependants,

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who appear to be destitute or to be likely to become destitute within such period as may be prescribed.

- (3) For the purposes of sub-paragraph (1), in Northern Ireland, a Health and Social Services Board established under Article 16 of the <sup>M13</sup>Health and Personal Social Services (Northern Ireland) Order 1972 is to be treated as a local authority.

#### Marginal Citations

**M13** [S.I. 1972/1265 \(N.I. 14\)](#).

- 2 (1) The regulations must provide for the question whether a person is an eligible person to be determined by the local authority concerned.
- (2) The regulations may make provision for support to be provided, before the determination of that question, to a person making a claim for support under the regulations by the Secretary of State or such local authority as may be prescribed.
- (3) “The local authority concerned” has such meaning as may be prescribed.
- 3 Subsections (3) to (8) of section 95 apply for the purposes of the regulations as they apply for the purposes of that section, but for the references in subsections (5) and (7) to the Secretary of State substitute references to the local authority concerned.
- 4 The regulations may prescribe circumstances in which support for an eligible person—
- (a) must be provided;
  - (b) must or may be refused; or
  - (c) must or may be suspended or discontinued.
- 5 The regulations may provide that support—
- (a) is to be provided in prescribed ways;
  - (b) is not to be provided in prescribed ways.
- 6 The regulations may include provision—
- (a) as to the level of support that is to be provided;
  - (b) for support to be provided subject to conditions;
  - (c) requiring any such conditions to be set out in writing;
  - (d) requiring a copy of any such conditions to be given to such person as may be prescribed.

VALID FROM 07/11/2002

[<sup>F5</sup>6A The regulations may, in particular, require support to be provided subject to a condition of compliance with any restriction imposed under paragraph 21 of Schedule 2 to the 1971 Act (temporary admission or release from detention) or paragraph 2 or 5 of Schedule 3 to that Act (restriction pending deportation).]

#### Textual Amendments

**F5** [Sch. 9 para. 6A](#) inserted (7.11.2002) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [s. 50\(2\)](#) (with [s. 159](#))



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- 7 The regulations may make provision that, in providing support, a local authority—
- (a) are to have regard to such matters as may be prescribed;
  - (b) are not to have regard to such matters as may be prescribed.
- 8 The regulations may include provision—
- (a) prescribing particular areas, or descriptions of area, (which may include a locality within their own area) in which a local authority may not place asylum-seekers while providing support for them;
  - (b) prescribing circumstances in which a particular area, or description of area, (which may include a locality within their own area) is to be one in which a local authority may not place asylum-seekers while providing support for them;
  - (c) as to the circumstances (if any) in which any such provision is not to apply.
- 9 (1) The regulations may make provision for the referral by one local authority to another of a claim for support made under the regulations if the local authority to whom the claim is made consider that it is not manifestly unfounded but—
- (a) they are providing support for a number of asylum-seekers equal to, or greater than, the maximum number of asylum-seekers applicable to them; or
  - (b) they are providing support for a number of eligible persons equal to, or greater than, the maximum number of eligible persons applicable to them.
- (2) For the purposes of any provision made as a result of sub-paragraph (1), the regulations may make provision for the determination by the Secretary of State of—
- (a) the applicable maximum number of asylum-seekers;
  - (b) the applicable maximum number of eligible persons.
- (3) The regulations may make provision for any such determination to be made—
- (a) for local authorities generally;
  - (b) for prescribed descriptions of local authority; or
  - (c) for particular local authorities.
- (4) The regulations may provide that a referral may not be made—
- (a) to a prescribed local authority;
  - (b) to local authorities of a prescribed description; or
  - (c) in prescribed circumstances.
- (5) The regulations may make provision for the payment by a local authority of any reasonable travel or subsistence expenses incurred as a result of a referral made by them.
- (6) The regulations may make provision for the transfer of a claim for support, or responsibility for providing support, under the regulations from one local authority to another on such terms as may be agreed between them.
- (7) In exercising any power under the regulations to refer or transfer, a local authority must have regard to such guidance as may be issued by the Secretary of State with respect to the exercise of the power.
- 10 (1) The regulations may make provision for the referral of claims for support made to the Secretary of State to prescribed local authorities or local authorities of a prescribed description.

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(2) The regulations may make provision for the payment by the Secretary of State of any reasonable travel or subsistence expenses incurred as a result of a referral made by him as a result of provision made by virtue of sub-paragraph (1).

11 The regulations may make provision requiring prescribed local authorities or other prescribed bodies to give reasonable assistance to local authorities providing support under the regulations.

12 The regulations may make provision for the procedure for making and determining claims for support.

13 The regulations may make provision for an asylum-seeker or a dependant of an asylum-seeker who has received, or is receiving, any prescribed description of support from a local authority to be taken to have been accepted for support under the regulations by a prescribed local authority.

14 A person entitled to support under the regulations is not entitled to any prescribed description of support, except to such extent (if any) as may be prescribed.

15 “The interim period” means the period—  
(a) beginning on such day as may be prescribed for the purposes of this paragraph; and  
(b) ending on such day as may be so prescribed.

VALID FROM 03/04/2000	
SCHEDULE 10	Section 102(3).
ASYLUM SUPPORT ADJUDICATORS	
.....	

VALID FROM 03/04/2000	
SCHEDULE 11	Section 154(7).
DETAINEE CUSTODY OFFICERS	
.....	

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VALID FROM 01/08/2000

SCHEDULE 12

Section 155(2).

DISCIPLINE ETC AT DETENTION CENTRES

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VALID FROM 01/08/2000

SCHEDULE 13

Section 156(5).

ESCORT ARRANGEMENTS

.....

SCHEDULE 14

Section 169(1).

CONSEQUENTIAL AMENDMENTS

VALID FROM 01/01/2001

*The Marriages (Ireland) Act 1844 (c.81)*

- 1 In Schedule (B) to the Marriages (Ireland) Act 1844, in the fifth column, after “Dwelling Place” insert “ and Nationality ”.

**Commencement Information**

- I37** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

VALID FROM 01/01/2001

*The Marriage Law (Ireland) Amendment Act 1863 (c.27)*

- 2 In Schedule (A) to the Marriage Law (Ireland) Amendment Act 1863, in the fifth column, after “Dwelling Place” insert “ and Nationality ”

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### Commencement Information

**I38** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

VALID FROM 01/01/2001

### *The Marriage Act 1949 (c. 76)*

3 The Marriage Act 1949 is amended as follows.

### Commencement Information

**I39** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

4 In section 3(1) (marriages of persons under 21)—  
 (a) for “a certificate” substitute “certificates”; and  
 (b) omit “whether by licence or without licence.”.

### Commencement Information

**I40** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

5 In section 5 (methods of authorising marriages), in paragraph (d), for “a certificate” substitute “certificates”.

### Commencement Information

**I41** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

6 In section 17 (marriage under superintendent registrar’s certificate)—  
 (a) for “a certificate” substitute “certificates”; and  
 (b) for “notice of marriage and certificate” substitute “notices of marriage and certificates”.

### Commencement Information

**I42** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

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- 7 In section 25 (void marriages)—
- (a) in paragraph (b), for “a certificate” substitute “certificates”;
  - (b) in paragraph (c), for “a certificate of a superintendent registrar which is” substitute “certificates of a superintendent registrar which are”; and
  - (c) in paragraph (d), for “a certificate” substitute “certificates” and for “notice of marriage and certificate” substitute “notices of marriage and certificates”.

**Commencement Information**

**I43** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 8 In section 27(1) (notice of marriage), for “a certificate” substitute “certificates”.

**Commencement Information**

**I44** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 9 In section 27A (additional information required in certain cases)—
- (a) in subsections (2) and (3), for the first “the notice” substitute “each notice”;
  - (b) in subsection (4), for the first “The person” substitute “Each person”; and
  - (c) in subsection (6), for “either” substitute “each”.

**Commencement Information**

**I45** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 10 In section 27B (provisions relating to section 1(3) marriages)—
- (a) in subsection (1), for “a certificate” substitute “certificates”;
  - (b) in subsections (4) and (6), omit “or licence”; and
  - (c) in subsection (5), omit “, or certificate and licence”.

**Commencement Information**

**I46** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 11 In section 28(1) (declaration to accompany notice of marriage), omit “or licence” and for paragraph (b) substitute—
- “(b) that the persons to be married have for the period of 7 days immediately before the giving of the notice had their usual places

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of residence within the registration district or registration districts in which notice is given;”.

**Commencement Information**

**I47** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

12 In section 29 (caveat against issue of certificate or licence), omit every “or licence”.

**Commencement Information**

**I48** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

13 In section 30 (provision for issue of certificate to be forbidden) for first “a certificate” substitute “certificates”.

**Commencement Information**

**I49** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

14 In section 31 (marriage certificates)—

- (a) in subsections (1) and (4), for “a certificate” substitute “certificates”; and
- (b) in subsection (5), for “one of the persons to be married” substitute “the person by whom notice of marriage was given”.

**Commencement Information**

**I50** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

15 For section 33 substitute—

**“33 Period of validity of certificate.**

- (1) A marriage may be solemnized on the authority of certificates of a superintendent registrar at any time within the period which is the applicable period in relation to that marriage.
- (2) If the marriage is not solemnized within the applicable period—
  - (a) the notices of marriage and the certificates are void; and
  - (b) no person may solemnize the marriage on the authority of those certificates.

*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) The applicable period, in relation to a marriage, is the period beginning with the day on which the notice of marriage was entered in the marriage notice book and ending—
- (a) in the case of a marriage which is to be solemnized in pursuance of section 26(1)(dd), 37 or 38, on the expiry of three months; and
  - (b) in the case of any other marriage, on the expiry of twelve months.
- (4) If the notices of marriage given by each person to be married are not given on the same date, the applicable period is to be calculated by reference to the earlier of the two dates.”

#### Commencement Information

**I51** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

16 For section 34 substitute—

**“34 Marriages normally to be solemnized in registration district in which one party resides.**

Subject to section 35, a superintendent registrar may not issue a certificate for the solemnization of a marriage elsewhere than within a registration district in which one of the persons to be married has resided for 7 days immediately before the giving of the notice of marriage.”

#### Commencement Information

**I52** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 17 (1) Section 35 (marriages in registration district in which neither party resides) is amended as follows.
- (2) In subsection (1)—
- (a) omit “, or if the marriage is to be by licence, a certificate and a licence,”; and
  - (b) for “or certificate and licence is issued” substitute “ is issued in respect of each of the persons to be married ”.
- (3) In subsections (2) and (4), omit “or, if the marriage is to be by licence, a certificate and a licence,”.
- (4) In subsections (2A) and (2B), omit “or, if the marriage is to be by licence, a certificate and licence,”.
- (5) In subsection (5)—
- (a) for “a certificate” substitute “ certificates ”;
  - (b) for “the notice” substitute “ each notice ”; and
  - (c) for “the certificate” substitute “ each certificate ”.

*Status: Point in time view as at 01/01/2000.*

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**Commencement Information**

**I53** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 18 Omit section 36 (superintendent registrar not normally to issue licences for marriages in registered buildings outside his district).

**Commencement Information**

**I54** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 19 In section 37(1) (one party resident in Scotland)—
- (a) for first “a certificate” substitute “certificates”; and
  - (b) omit “without licence”.

**Commencement Information**

**I55** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 20 (1) Section 38 (one party resident in Northern Ireland) is amended as follows.
- (2) In subsection (1)—
    - (a) for “a certificate” substitute “certificates”; and
    - (b) omit “without licence”.
  - (3) In subsection (2), for “and place of residence” substitute “, place of residence and nationality”.
  - (4) In subsection (3), for “twenty-one” substitute “15”.

**Commencement Information**

**I56** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 21 In section 39(1) (issue of certificates on board Her Majesty’s ships)—
- (a) for first “a certificate” substitute “certificates”; and
  - (b) omit “without licence”.



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**Commencement Information**

**I57** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

22 In section 40 (forms of certificates for marriage), omit subsection (2).

**Commencement Information**

**I58** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

23 In section 44(1) (solemnization of marriage in registered buildings), for “a notice of marriage and certificate” substitute “the notices of marriage and certificates”.

**Commencement Information**

**I59** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

24 In section 45(1) (solemnization of marriage in register office)—  
(a) for “a certificate” substitute “certificates”;  
(b) for first “notice” substitute “notices”;  
(c) for “notice has” substitute “notices have”; and  
(d) for “certificate or certificate and licence, as the case may be, has or” substitute “certificates”.

**Commencement Information**

**I60** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

25 In section 47(2) (marriages according to usages of Society of Friends), in paragraph (a), for “the person” substitute “each person”.

**Commencement Information**

**I61** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

26 In section 48(1) (proof of certain matters not necessary to validity of marriages), in paragraph (a), for “notice” substitute “notices”.

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**Commencement Information**

**I62** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 27 In section 49 (void marriages)—
- (a) in paragraph (b), after “issued” insert “, in respect of each of the persons to be married,”;
  - (b) omit paragraph (c);
  - (c) in paragraph (d), for “a certificate which is” substitute “certificates which are”; and
  - (d) in paragraph (e), for “notice” substitute “notices” and for “certificate” substitute “certificates”.

**Commencement Information**

**I63** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 28 In section 50 (person to whom certificate to be delivered)—
- (a) in subsection (1), for “a certificate” substitute “certificates” and omit “the certificate or, if notice of marriage has been given to more than one superintendent registrar,”;
  - (b) omit subsection (2); and
  - (c) in subsection (3), for “certificate or certificate and licence, as the case may be,” substitute “certificates”.

**Commencement Information**

**I64** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 29 In section 51(1) (fees of registrars for attending marriages), omit from first “the sum” to “case,”.

**Commencement Information**

**I65** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

- 30 (1) Section 75 (offences relating to solemnization of marriages) is amended as follows.
- (2) In subsection (1)(b), for “a certificate” substitute “certificates”.
  - (3) In subsection (2)—

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- (a) in paragraph (a)(ii), for “notice of marriage and certificate” substitute “notices of marriage and certificates”;
- (b) in paragraph (d), for “a certificate” substitute “certificates” and for from “(not being” to “book” substitute “before the expiry of the waiting period in relation to each notice of marriage”; and
- (c) in paragraph (e), for “a certificate” substitute “certificates”.

(4) After subsection (2), insert—

“(2A) In subsection (2)(d) “the waiting period” has the same meaning as in section 31(4A).”

(5) In subsection (3), for paragraph (a) substitute—

“(a) issues any certificate for marriage before the expiry of 15 days from the day on which the notice of marriage was entered in the marriage notice book;”.

(6) In subsection (3), in paragraph (b), omit “or licence”.

#### Commencement Information

**I66** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

31 In section 78(3) (interpretation), in paragraph (a), for “the notice” substitute “each notice”.

#### Commencement Information

**I67** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

32 In Schedule 4 (provisions of Act which are excluded or modified in their application to naval, military and air force chapels), in Part III (exclusion of provisions relating to marriages otherwise than according to the rites of the Church of England), omit “The proviso to subsection (2) of section twenty-six”.

#### Commencement Information

**I68** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

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PROSPECTIVE

*The Prison Act 1952 (c.52)*

- 33 In section 55 of the Prison Act 1952 (provisions extending to Scotland) at the end insert—
- “(4A) Subsections (2) to (5) of section 5A, as applied by subsection (5A) of that section, extend to Scotland.”

PROSPECTIVE

*The Firearms Act 1968 (c. 27)*

- 34 The Firearms Act 1968 is amended as follows.
- 35 In Schedule 1 (offences for which there is an additional penalty if committed when in possession of a firearm), after paragraph 5B insert—
- “5C. An offence under paragraph 4 of Schedule 11 to the Immigration and Asylum Act 1999 (assaulting a detainee custody officer).”
- 36 In Schedule 2 (which lists corresponding Scottish offences), after paragraph 13A insert—
- “13B. An offence under paragraph 4 of Schedule 11 to the Immigration and Asylum Act 1999 (assaulting a detainee custody officer).”

VALID FROM 01/01/2001

*The Family Law Reform Act 1969 (c.46)*

- 37 In section 2(3) (provisions relating to marriage), omit “or licence” in both cases.

**Commencement Information**

**I69** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

VALID FROM 01/01/2001

*The Marriage (Registrar General’s Licence) Act 1970 (c.34)*

- 38 The Marriage (Registrar General’s Licence) Act 1970 is amended as follows.

*Status: Point in time view as at 01/01/2000.*

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**Commencement Information**

**I70** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

39 In section 1(1) (marriages which may be solemnised by Registrar General’s licence), for “a certificate” substitute “certificates”.

**Commencement Information**

**I71** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

40 In section 5 (caveat against issue of Registrar General’s licence), omit “or licence”.

**Commencement Information**

**I72** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

41 In section 6 (marriage of persons under 18), for “a certificate” substitute “certificates”.

**Commencement Information**

**I73** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

42 In section 13 (void marriages)—  
(a) in paragraph (a), for ““certificate” substitute “certificates” and for ““Registrar” substitute “a Registrar”; and  
(b) omit paragraph (b).

**Commencement Information**

**I74** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

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*The Immigration Act 1971 (c.77)*

VALID FROM 14/02/2000

43 The 1971 Act is amended as follows.

**Commencement Information**

**I75** Sch. 14 para. 43 partly in force; Sch. 14 para. 43 not in force at Royal Assent see s. 170(4); Sch. 14 para. 43 in force for certain purposes at 14.2.2000 by S.I. 2000/168, art. 2, Sch. (with transitional provisions in art. 3); Sch. 14 para. 43 in force for certain purposes at 1.3.2000 and for certain further purposes at 3.4.2000 by S.I. 2000/464, art. 2, Sch.; Sch. 14 para. 43 in force for certain purposes at 2.10.2000 by S.I. 2000/2444, art. 2, Sch. 1 (subject to arts. 3, 4, Sch. 2)

VALID FROM 14/02/2000

44 (1) In section 3 (general provisions for regulation and control), in subsection (1)(a), after “in accordance with” insert “ the provisions of, or made under, ”.

(2) In section 3, for subsection (5) substitute—

“(5) A person who is not a British citizen is liable to deportation from the United Kingdom if—

(a) the Secretary of State deems his deportation to be conducive to the public good; or

(b) another person to whose family he belongs is or has been ordered to be deported.”

**Commencement Information**

**I76** Sch. 14 para. 44 wholly in force; Sch. 14 para. 44 not in force at Royal Assent see s. 170(4); Sch. 14 para. 44(1) in force at 14.2.2000 by S.I. 2000/168, art. 2, Sch. (with transitional provisions in art. 3); Sch. 14 para. 44(2) in force at 2.10.2000 by S.I. 2000/2444, art. 2, Sch. 1 (subject to arts. 3, 4, Sch. 2)

VALID FROM 14/02/2000

45 In section 4(1) (giving or refusal of leave to enter or remain to be in writing except where allowed by the Act) for “allowed by” substitute “ allowed by or under ”.

VALID FROM 02/10/2000

46 In section 7(1) (exemption of certain residents from deportation)—

(a) in paragraph (a), for “3(5)(b)” substitute “ 3(5)(a) ”; and

(b) in paragraph (b), for “, (b) or (c)” substitute “ or (b) or 10 of the Immigration and Asylum Act 1999 ”.

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#### Commencement Information

**I77** Sch. 14 para. 46 wholly in force at 2.10.2000 by S.I. 2000/2444, art. 2, Sch. 1 (subject to the transitional provisions in arts. 3, 4, Sch. 2)

#### PROSPECTIVE

- 47 (1) Section 10 (entry otherwise than by sea or air) is amended as follows.
- (2) In subsection (1), omit from “and any such Order” to the end.
- (3) After subsection (1), insert—
- “(1A) Her Majesty may by Order in Council direct that paragraph 27B or 27C of Schedule 2 shall have effect in relation to trains or vehicles as it has effect in relation to ships or aircraft.
- (1B) Any Order in Council under this section may make—
- (a) such adaptations or modifications of the provisions concerned, and
- (b) such supplementary provisions,
- as appear to Her Majesty to be necessary or expedient for the purposes of the Order.”
- (4) In subsection (2), for “this section” substitute “ subsection (1) ”.

#### PROSPECTIVE

- 48 In section 11(1) (entry to the United Kingdom), at the end insert “ or by Part III of the Immigration and Asylum Act 1999 ”.

#### VALID FROM 14/02/2000

- 49 Omit Part II.

#### Commencement Information

**I78** Sch. 14 para. 49 partly in force; Sch. 14 para. 49 not in force at Royal Assent see s. 170(4); Sch. 14 para. 49 in force for certain purposes at 14.2.2000 by S.I. 2000/168, art. 2, Sch. (with transitional provisions in art. 3); Sch. 14 para. 49 in force for certain purposes at 2.10.2000 by S.I. 2000/2444, art. 2, Sch. 1 (subject to arts. 3, 4, Sch. 2)

#### VALID FROM 14/02/2000

- 50 In section 24 (illegal entry and similar offences), omit subsections (1)(aa) and (2).

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VALID FROM 14/02/2000

51 In section 25 (assisting illegal entry and harbouring), omit subsection (3).

VALID FROM 01/03/2000

52 (1) Section 27 (offences by persons connected with ships or aircraft) is amended as follows.

(2) In paragraph (a)(ii), after “Schedule 2 or 3” insert “ or under the Immigration and Asylum Act 1999 ”.

(3) In paragraph (b)(iii)—

(a) after “arrangements for” insert “ or in connection with ”; and

(b) at the end insert “or under the Immigration and Asylum Act 1999; or

(iv) he fails, without reasonable excuse, to comply with the requirements of paragraph 27B or 27C of Schedule 2;”.

#### Commencement Information

**I79** Sch. 14 para. 52 wholly in force at 2.10.2000; Sch. 14 para. 52 not in force at Royal Assent see s. 170(4); Sch. 14 para. 52(1) in force for certain purposes at 1.3.2000 and for certain further purposes at 3.4.2000 by S.I. 2000/464, art. 2, Sch.; Sch. 14 para. 52(3)(a) in force at 1.3.2000 and para. 52(3)(b) in force at 3.4.2000 by S.I. 2000/464, art. 2, Sch.; Sch. 14 para. 52 in force so far as not already in force at 2.10.2000 by S.I. 2000/2444, art. 2, Sch. 1 (subject to arts. 3, 4, Sch. 2)

VALID FROM 14/02/2000

53 In section 28(1) (time limits for proceedings) after “24,” insert “ 24A, ”.

54 (1) Section 32 (proof of documents) is amended as follows.

(2) In subsection (2)—

(a) for “this Act” substitute “ the Immigration Acts ”; and

(b) after second “by him” insert “ or on his behalf ”.

(3) In subsection (3), for “proceedings under Part II of this Act” substitute “ other proceedings under the Immigration Acts ”.

(4) In subsection (4)—

(a) for first “this Act” substitute “ the Immigration Acts ”; and

(b) for “proceedings under Part II of this Act” substitute “ other proceedings under the Immigration Acts ”.

(5) After subsection (4) insert—

“(5) “Immigration Acts” has the same meaning as in the Immigration and Asylum Act 1999.”



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- (6) The amendments made by sub-paragraphs (2)(a) and (5) apply whenever the document in question was made or issued.

VALID FROM 02/10/2000

- 55 In section 33 (interpretation), for subsection (4) substitute—
- “(4) For the purposes of this Act, the question of whether an appeal is pending shall be determined—
- (a) in relation to an appeal to the Special Immigration Appeals Commission, in accordance with section 7A of the Special Immigration Appeals Commission Act 1997;
  - (b) in any other case, in accordance with section 58(5) to (10) of the Immigration and Asylum Act 1999”.

**Commencement Information**

**180** Sch. 14 paras. 55, 65, 66, 69, 70, 84, 103-106, 114, 115, 120, 122-128 wholly in force at 2.10.2000 by S.I. 2000/2444, art. 2, Sch. 1 (subject to the transitional provisions in arts. 3, 4, Sch. 2)

VALID FROM 14/02/2000

- 56 In Schedule 2 (administrative provisions as to control on entry), in paragraph 2(1) (purposes for which persons arriving in the United Kingdom may be examined), for paragraph (c) substitute—
- “(c) whether, if he may not—
- (i) he has been given leave which is still in force,
  - (ii) he should be given leave and for what period or on what conditions (if any), or
  - (iii) he should be refused leave.”

VALID FROM 14/02/2000

- 57 In Schedule 2, after paragraph 2, insert—
- “ *Examination of persons who arrive with continuing leave*
- 2A (1) This paragraph applies to a person who has arrived in the United Kingdom with leave to enter which is in force but which was given to him before his arrival.
- (2) He may be examined by an immigration officer for the purpose of establishing—
- (a) whether there has been such a change in the circumstances of his case, since that leave was given, that it should be cancelled;

*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) whether that leave was obtained as a result of false information given by him or his failure to disclose material facts; or
  - (c) whether there are medical grounds on which that leave should be cancelled.
- (3) He may also be examined by an immigration officer for the purpose of determining whether it would be conducive to the public good for that leave to be cancelled.
- (4) He may also be examined by a medical inspector or by any qualified person carrying out a test or examination required by a medical inspector.
- (5) A person examined under this paragraph may be required by the officer or inspector to submit to further examination.
- (6) A requirement under sub-paragraph (5) does not prevent a person who arrives—
- (a) as a transit passenger,
  - (b) as a member of the crew of a ship or aircraft, or
  - (c) for the purpose of joining a ship or aircraft as a member of the crew,
- from leaving by his intended ship or aircraft.
- (7) An immigration officer examining a person under this paragraph may by notice suspend his leave to enter until the examination is completed.
- (8) An immigration officer may, on the completion of any examination of a person under this paragraph, cancel his leave to enter.
- (9) Cancellation of a person’s leave under sub-paragraph (8) is to be treated for the purposes of this Act and Part IV of the Immigration and Asylum Act 1999 as if he had been refused leave to enter at a time when he had a current entry clearance.
- (10) A requirement imposed under sub-paragraph (5) and a notice given under sub-paragraph (7) must be in writing.”

VALID FROM 14/02/2000

58      In Schedule 2, in paragraph 4(1) and (2) (production of information and documents in connection with examinations), after “paragraph 2” insert “, 2A ”.

VALID FROM 14/02/2000

59      In Schedule 2, for paragraph 7 substitute—

*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*“ Power to require medical examination after entry*

- 7
- (1) This paragraph applies if an immigration officer examining a person under paragraph 2 decides—
    - (a) that he may be given leave to enter the United Kingdom; but
    - (b) that a further medical test or examination may be required in the interests of public health.
  - (2) This paragraph also applies if an immigration officer examining a person under paragraph 2A decides—
    - (a) that his leave to enter the United Kingdom should not be cancelled; but
    - (b) that a further medical test or examination may be required in the interests of public health.
  - (3) The immigration officer may give the person concerned notice in writing requiring him—
    - (a) to report his arrival to such medical officer of health as may be specified in the notice; and
    - (b) to attend at such place and time and submit to such test or examination (if any), as that medical officer of health may require.
  - (4) In reaching a decision under paragraph (b) of sub-paragraph (1) or (2), the immigration officer must act on the advice of—
    - (a) a medical inspector; or
    - (b) if no medical inspector is available, a fully qualified medical practitioner.”

VALID FROM 14/02/2000

- 60
- In Schedule 2, in paragraph 16 (detention of persons liable to examination), after sub-paragraph (1), insert—
- “(1A) A person whose leave to enter has been suspended under paragraph 2A may be detained under the authority of an immigration officer pending—
- (a) completion of his examination under that paragraph; and
  - (b) a decision on whether to cancel his leave to enter.”

VALID FROM 11/12/2000

- 61
- In Schedule 2, in paragraph 18 (treatment of persons detained), after sub-paragraph (2) insert—
- “(2A) The power conferred by sub-paragraph (2) includes power to take fingerprints.”

*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- 62 In Schedule 2, paragraph 21 (temporary admission of persons liable to detention) is amended as follows.
- (2) After sub-paragraph (2) insert—
- “(2A) The provisions that may be included in restrictions as to residence imposed under sub-paragraph (2) include provisions of such a description as may be prescribed by regulations made by the Secretary of State.
- (2B) The regulations may, among other things, provide for the inclusion of provisions—
- (a) prohibiting residence in one or more particular areas;
- (b) requiring the person concerned to reside in accommodation provided under section 4 of the Immigration and Asylum Act 1999 and prohibiting him from being absent from that accommodation except in accordance with the restrictions imposed on him.
- (2C) The regulations may provide that a particular description of provision may be imposed only for prescribed purposes.
- (2D) The power to make regulations conferred by this paragraph is exercisable by statutory instrument and includes a power to make different provision for different cases.
- (2E) But no regulations under this paragraph are to be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.”
- (3) In sub-paragraph (3), after “2” insert “ or 2A ”.
- (4) In sub-paragraph (4)(a), omit “under paragraph 2 above”.

#### Commencement Information

**181** Sch. 14 para. 62 wholly in force at 14.2.2000; Sch. 14 para. 62(2) in force at Royal Assent see s. 170(3) (s); and by S.I. 2000/168, art. 2, Sch (with transitional provisions in art. 3) it is provided that Sch. 14 para. 62(1)(3)(4) shall come into force at 14.2.2000

VALID FROM 14/02/2000

- 63 In Schedule 2, in paragraph 22 (temporary release of persons liable to detention), in sub-paragraph (1)(a), after “examination;” insert—
- “(aa) a person detained under paragraph 16(1A) above pending completion of his examination or a decision on whether to cancel his leave to enter;”.

VALID FROM 14/02/2000

- 64 (1) In Schedule 2, paragraph 26 (supplementary duties of those connected with ships or aircraft or with ports) is amended as follows.
- (2) In sub-paragraph (1), omit “and have not been given leave”.

*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) After sub-paragraph (1) insert—

“(1A) Sub-paragraph (1) does not apply in such circumstances, if any, as the Secretary of State may by order prescribe.”

(4) After sub-paragraph (3) insert—

“(3A) The power conferred by sub-paragraph (1A) is exercisable by statutory instrument; and any such instrument shall be subject to annulment by a resolution of either House of Parliament.”

VALID FROM 02/10/2000

65 In Schedule 2, omit paragraph 28.

**Commencement Information**

**182** Sch. 14 paras. 55, 65, 66, 69, 70, 84, 103-106, 114, 115, 120, 122-128 wholly in force at 2.10.2000 by S.I. 2000/2444, art. 2, Sch. 1 (subject to the transitional provisions in arts. 3, 4, Sch. 2)

VALID FROM 02/10/2000

66 In Schedule 2, in paragraph 29, for “13(1), 16 or 17 of this Act” substitute “ 59, 65, 66, 67, 69(1) or (5) or 71 of the Immigration and Asylum Act 1999 ”.

**Commencement Information**

**183** Sch. 14 paras. 55, 65, 66, 69, 70, 84, 103-106, 114, 115, 120, 122-128 wholly in force at 2.10.2000 by S.I. 2000/2444, art. 2, Sch. 1 (subject to the transitional provisions in arts. 3, 4, Sch. 2)

VALID FROM 14/02/2000

67 In Schedule 2, in paragraph 34 (grant of bail pending removal), in sub-paragraph (1), after “examination” insert “ , detained under paragraph 16(1A) above pending completion of his examination or a decision on whether to cancel his leave to enter ”.

VALID FROM 14/02/2000

68 In Schedule 3, in paragraph 2(4) (application of certain provisions if person detained under Schedule 3), for “and 18” substitute “ ,18 and 25A to 25E ”.

VALID FROM 02/10/2000

69 In Schedule 3 (supplementary provision as to deportation), in paragraph 3—

*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) for “16 or 17” substitute “ 66 or 67 of the Immigration and Asylum Act 1999 ”;
- (b) omit “in paragraph 28(2), (3) and (6) and”; and
- (c) for “15(1)(a)” substitute “ 63(1)(a) or 69(4)(a) of the Immigration and Asylum Act 1999 ”.

#### Commencement Information

**184** Sch. 14 para. 69 wholly in force at 2.10.2000 by S.I. 2000/2444, art. 2, Sch. 1 (subject to the transitional provisions in arts. 3, 4, Sch. 2)

VALID FROM 02/10/2000

- 70 In Schedule 4 (integration of United Kingdom and Islands immigration law), for paragraph 3 (deportation) substitute—
- “3 (1) This Act has effect in relation to a person who is subject to an Islands deportation order as if the order were a deportation order made against him under this Act.
- (2) Sub-paragraph (1) does not apply if the person concerned is—
- (a) a British citizen;
  - (b) an EEA national;
  - (c) a member of the family of an EEA national; or
  - (d) a member of the family of a British citizen who is neither such a citizen nor an EEA national.
- (3) The Secretary of State does not, as a result of sub-paragraph (1), have power to revoke an Islands deportation order.
- (4) In any particular case, the Secretary of State may direct that paragraph (b), (c) or (d) of sub-paragraph (2) is not to apply in relation to the Islands deportation order.
- (5) Nothing in this paragraph makes it unlawful for a person in respect of whom an Islands deportation order is in force in any of the Islands to enter the United Kingdom on his way from that island to a place outside the United Kingdom.
- (6) “Islands deportation order” means an order made under the immigration laws of any of the Islands under which a person is, or has been, ordered to leave the island and forbidden to return.
- (7) Subsections (10) and (12) to (14) of section 80 of the Immigration and Asylum Act 1999 apply for the purposes of this section as they apply for the purposes of that section.”

#### Commencement Information

**185** Sch. 14 paras. 55, 65, 66, 69, 70, 84, 103-106, 114, 115, 120, 122-128 wholly in force at 2.10.2000 by S.I. 2000/2444, art. 2, Sch. 1 (subject to the transitional provisions in arts. 3, 4, Sch. 2)

*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 14/02/2000

*The House of Commons Disqualification Act 1975 (c. 24)*

- 71 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices)—
- (a) omit—
- “Adjudicator appointed for the purposes of the Immigration Act 1971”;  
and
- (b) at the appropriate places, insert—
- “Adjudicator appointed for the purposes of the Immigration and Asylum Act 1999;and”
- “ Asylum Support Adjudicator.”

**Modifications etc. (not altering text)**

C16 Sch. 14 para. 71 modified (14.2.2000) by S.I. 2000/168, art. 3

VALID FROM 14/02/2000

*The Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 72 In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (disqualifying offices)—
- (a) omit—
- “Adjudicator appointed for the purposes of the Immigration Act 1971”;  
and
- (b) at the appropriate places, insert—
- “Adjudicator appointed for the purposes of the Immigration and Asylum Act 1999;”
- and
- “Asylum Support Adjudicator.”

**Modifications etc. (not altering text)**

C17 Sch.14 para. 72 modified (14.2.2000) by S.I. 2000/168, art. 3

*The Protection from Eviction Act 1977 (c.43)*

- 73 In section 3A of the Protection from Eviction Act 1977 (excluded tenancies and licences), after subsection (7), insert—

*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

“(7A) A tenancy or licence is excluded if it is granted in order to provide accommodation under Part VI of the Immigration and Asylum Act 1999.”

VALID FROM 03/04/2000

*The Education (Scotland) Act 1980 (c. 44)*

74

Section 53 of the Education (Scotland) Act 1980 (requirement to provide school meals etc) is amended as follows—

(a) in subsection (3)—

(i) for the words from the beginning to “an”, where it occurs for the second time, substitute—

“(3) Subsection (3AA) below applies in relation to a pupil—

(a) whose parents are in receipt of—

(i) income support;

(ii) an income-based jobseeker’s allowance (payable under the <sup>M22</sup>Jobseekers Act 1995); or

(iii) support provided under Part VI of the Immigration and Asylum Act 1999; or

(b) who is himself in receipt of income support or an income-based jobseeker’s allowance.

(3AA) An”; and

(ii) for “him”, where it occurs for the first time, substitute “ the pupil ”; and

(b) in subsection (3A), for “Subsections (1), (2) and (3)” substitute “ Subsections (1) to (3AA) ”.

**Marginal Citations**

M22 1995 c. 18.

PROSPECTIVE

*The Firearms (Northern Ireland) Order 1981 (S.I. 1981/155 (N.I. 2))*

75

In Schedule 1 to the Firearms (Northern Ireland) Order 1981 (offences for which there is an additional penalty if committed when in possession of a firearm), after paragraph 4 insert—

“4A An offence under paragraph 4 of Schedule 11 to the Immigration and Asylum Act 1999 (assaulting a detainee custody officer).”



*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 03/04/2000

*The Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))*

- 76 In Article 98(11) of the Magistrates' Courts (Northern Ireland) Order 1981 (enforcement of orders for periodical payment of money), at the end, insert—  
“(k) section 113 of the Immigration and Asylum Act 1999.”

VALID FROM 01/01/2001

*The Marriage Act 1983 (c.32)*

- 77 In section 1 of the Marriage Act 1983 (marriages of house-bound and detained persons in England and Wales)—  
(a) in subsection (1), for “a superintendent registrar’s certificate” substitute “certificates of a superintendent registrar”; and  
(b) in subsection (2)(a), for “the notice” substitute “ each notice ”.

**Commencement Information**

- 186** Sch. 14 paras. 1-32, 37-42 and 77 wholly in force at 1.1.2001, see s. 170(4) and S.I. 2000/2698, art. 2, Sch. (as amended by S.I. 2000/3099, art. 4) subject to the transitional provision in art. 3 (as also inserted by art. 4 of the said S.I. 2000/3099)

*The Housing (Northern Ireland) Order 1983 (S.I. 1983/1118 (N.I. 15))*

- 78 In Schedule 2 to the Housing (Northern Ireland) Order 1983 (tenancies which are not secure tenancies), after paragraph 3, insert—

*“ Accommodation for asylum-seekers*

- 3A (1) A tenancy is not a secure tenancy if it is granted in order to provide accommodation under Part VI of the Immigration and Asylum Act 1999.  
(2) A tenancy mentioned in sub-paragraph (1) becomes a secure tenancy if the landlord notifies the tenant that it is to be regarded as a secure tenancy.”

*The Rent (Scotland) Act 1984 (c.58)*

- 79 In section 23A of the Rent (Scotland) Act 1984 (excluded tenancies and occupancy rights), after subsection (5) insert—

“(5A) Nothing in section 23 of this Act applies to a tenancy or right of occupancy if it is granted in order to provide accommodation under Part VI of the Immigration and Asylum Act 1999.”

*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 14/02/2000

*The Police and Criminal Evidence Act 1984 (c.60)*

- 80 (1) The Police and Criminal Evidence Act 1984 is amended as follows.
- (2) In section 8 (power of justice to authorise entry and search of premises), at the end insert—
- “(6) This section applies in relation to a relevant offence (as defined in section 28D(4) of the Immigration Act 1971) as it applies in relation to a serious arrestable offence.”
- (3) In section 22 (retention), at the end insert—
- “(6) This section also applies to anything retained by the police under section 28H(5) of the <sup>M23</sup>Immigration Act 1971.”
- (4) In section 61 (fingerprints), in subsection (9)(a), after “1971” insert “, section 141 of the Immigration and Asylum Act 1999 or regulations made under section 144 of that Act”.

**Commencement Information**

**I87** [Sch. 14 para. 80](#) partly in force; [Sch. 14 para. 80](#) not in force at Royal Assent see [s. 170\(4\)](#); [Sch. 14 para. 80\(2\)\(3\)](#) wholly in force and [s. 80\(1\)](#) in force for certain purposes at 14.2.2000 by [S.I. 2000/168](#), [art. 2](#), [Sch.](#) (with transitional provisions in [art. 3](#))

**Marginal Citations**

**M23** [1971 c. 77](#).

*The Housing Act 1985 (c.68)*

- 81 In Schedule 1 to the Housing Act 1985 (tenancies which cannot be secure tenancies), after paragraph 4, insert—

*“ Accommodation for asylum-seekers*

- 4A (1) A tenancy is not a secure tenancy if it is granted in order to provide accommodation under Part VI of the Immigration and Asylum Act 1999.
- (2) A tenancy mentioned in sub-paragraph (1) becomes a secure tenancy if the landlord notifies the tenant that it is to be regarded as a secure tenancy.”

*The Housing (Scotland) Act 1987 (c.26)*

- 82 In Schedule 2 to the Housing (Scotland) Act 1987 (tenancies which cannot be secure tenancies), after paragraph 5 insert—

*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*“ Accommodation for asylum-seekers*

- 5A (1) A tenancy shall not be a secure tenancy if it is granted in order to provide accommodation under Part VI of the Immigration and Asylum Act 1999.
- (2) A tenancy mentioned in sub-paragraph (1) becomes a secure tenancy if the landlord notifies the tenant that it is to be regarded as a secure tenancy.”

VALID FROM 02/10/2000

*The Immigration Act 1988 (c.14)*

83 The Immigration Act 1988 is amended as follows.

**Commencement Information**

**188** Sch. 14 para. 83 partly in force: Sch. 14 para. 83 in force for certain purposes at 2.10.2000 by S.I. 2000/2444, art. 2, Sch. 1 (subject to arts. 3, 4, Sch. 2)

84 Omit section 5 (restricted right of appeal against deportation in cases of breach of limited leave).

**Commencement Information**

**189** Sch. 14 paras. 55, 65, 66, 69, 70, 84, 103-106, 114, 115, 120, 122-128 wholly in force at 2.10.2000 by S.I. 2000/2444, art. 2, Sch. 1 (subject to the transitional provisions in arts. 3, 4, Sch. 2)

PROSPECTIVE

85 Omit section 8 (examination of passengers before arrival).

VALID FROM 30/06/2003

86 Omit section 9 (charges).

*The Housing (Scotland) Act 1988 (c.43)*

87 In Schedule 4 to the Housing (Scotland) Act 1988 (tenancies which cannot be assured tenancies), after paragraph 11A insert—

*“ Accommodation for asylum-seekers*

- 11B A tenancy granted under arrangements for the provision of support for asylum-seekers or dependants of asylum-seekers made under Part VI of the Immigration and Asylum Act 1999.”

*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*The Housing Act 1988 (c.50)*

- 88 In Schedule 1 to the Housing Act 1988 (tenancies which are not assured tenancies), after paragraph 12, insert—

*“ Accommodation for asylum-seekers*

- 12A (1) A tenancy granted by a private landlord under arrangements for the provision of support for asylum-seekers or dependants of asylum-seekers made under Part VI of the Immigration and Asylum Act 1999.
- (2) “Private landlord” means a landlord who is not within section 80(1) of the <sup>M24</sup>Housing Act 1985.”

**Marginal Citations**

**M24** 1985 c. 68.

*The Prevention of Terrorism (Temporary Provisions) Act 1989 (c.4)*

- 89 (1) Paragraph 10 of Schedule 5 to the Prevention of Terrorism (Temporary Provisions) Act 1989 (requirements on captain of ship or aircraft with respect to passengers and crew) is amended as follows.
- (2) In sub-paragraph (4), for “unless he is subject to the requirements of an order under paragraph 27(2) of Schedule 2 to the <sup>M25</sup>Immigration Act 1971 and subject to sub-paragraph (6)” substitute “ subject to sub-paragraphs (5A) and (6) ”.
- (3) After sub-paragraph (5), insert—
- “(5A) Sub-paragraph (4) above does not apply to the extent that the information mentioned in sub-paragraph (5) above is the subject of—
- (a) an order under paragraph 27(2) of Schedule 2 to the Immigration Act 1971 in relation to the arrival of the ship or aircraft, or
- (b) a request made to the owner or agent of the ship or aircraft under paragraph 27B of that Schedule in relation to the arrival of the ship or aircraft.”

**Marginal Citations**

**M25** 1971 c. 77.

VALID FROM 14/02/2000

*The Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))*

- 90 (1) The Police and Criminal Evidence (Northern Ireland) Order 1989 is amended as follows.

*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) In Article 10 (provision for Northern Ireland corresponding to section 8 of the 1984 Act), at the end insert—

“(6) This Article applies in relation to a relevant offence (as defined in section 28D(4) of the Immigration Act 1971) as it applies in relation to a serious arrestable offence.”

(3) In Article 24 (provision for Northern Ireland corresponding to section 22 of the 1984 Act), at the end insert—

“(6) This Article also applies to anything retained by the police under section 28H(5) of the <sup>M26</sup>Immigration Act 1971.”

(4) In Article 61 (fingerprints) in paragraph (9)(a), after “1971” insert “, section 141 of the Immigration and Asylum Act 1999 or regulations made under section 144 of that Act”.

#### Commencement Information

**I90** Sch. 14 para. 90 partly in force; Sch. 14 para. 90 not in force at Royal Assent see s. 170(4); Sch. 14 para. 90(2)(3) wholly in force and s. 90(1) in force for certain purposes at 14.2.2000 by S.I. 2000/168, art. 2, Sch. (with transitional provisions in art. 3)

#### Marginal Citations

**M26** 1971 c. 77.

VALID FROM 14/02/2000

#### *The Courts and Legal Services Act 1990 (c.41)*

91 (1) The Courts and Legal Services Act 1990 is amended as follows.

(2) In Schedule 10 (judicial and other appointments), omit paragraph 34.

(3) In Schedule 11 (judges etc. barred from legal practice), in the entry relating to the Immigration Appeal Tribunal, omit “appointed under Schedule 5 to the Immigration Act 1971” and after that entry insert—

“Adjudicator for the purposes of the Immigration and Asylum Act 1999 (other than Asylum Support Adjudicator)”.

#### Modifications etc. (not altering text)

**C18** Sch. 14 para. 91 modified (14.2.2000) by S.I. 2000/168, art. 3

*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 03/04/2000

*The Social Security Contributions and Benefits Act 1992 (c.4)*

92 In the Social Security Contributions and Benefits Act 1992, omit section 146A (persons subject to immigration control).

VALID FROM 03/04/2000

*The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c.7)*

93 In the Social Security Contributions and Benefits (Northern Ireland) Act 1992, omit section 142A (persons subject to immigration control).

VALID FROM 14/02/2000

*The Tribunals and Inquiries Act 1992 (c.53)*

94 The Tribunals and Inquiries Act 1992 is amended as follows.

**Commencement Information**

**191** [Sch. 14 para. 94](#) partly in force; [Sch. 14 para. 94](#) not in force at Royal Assent see [s. 170\(4\)](#); [Sch. 14 para. 94](#) in force for certain purposes at 14.2.2000 by [S.I. 2000/168](#), [art. 2](#), [Sch.](#) (with transitional provisions in [art. 3](#))

95 In Schedule 1 (tribunals under the supervision of the Council on Tribunals), after paragraph 2 insert—

“Asylum-seekers support	2A. Asylum Support Adjudicators established under section 102 of the Immigration and Asylum Act 1999.”
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96 In Schedule 1, in paragraph 22—

(a) in sub-paragraph (a), for “12 of the Immigration Act 1971” substitute “57 of the Immigration and Asylum Act 1999”; and

(b) in sub-paragraph (b), for “that section” substitute “section 56 of that Act”.

PROSPECTIVE

F697

*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Textual Amendments

- F6** Sch. 14 para. 97 repealed (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 4 Pt. 1](#) (with Sch. 5)

VALID FROM 14/02/2000

#### *The Judicial Pensions and Retirement Act 1993 (c.8)*

- 98 (1) The Judicial Pensions and Retirement Act 1993 is amended as follows.
- (2) In Schedule 1 (offices which may be qualifying judicial offices), in Part II, for “Chief, or any other, immigration adjudicator under the Immigration Act 1971” substitute “ Adjudicator for the purposes of the Immigration and Asylum Act 1999 (other than Asylum Support Adjudicator) ”.
- (3) In Schedule 5 (relevant offices in relation to the retirement provisions), for “Immigration Adjudicator” substitute “ Adjudicator for the purposes of the Immigration and Asylum Act 1999 (other than Asylum Support Adjudicator) ”.
- (4) In Schedule 6 (retirement date for certain judicial offices), omit paragraphs 37 and 38.

#### Modifications etc. (not altering text)

- C19** Sch. 14 para. 98 modified (14.2.2000) by [S.I. 2000/168](#), [art. 3](#)

#### *The Asylum and Immigration Appeals Act 1993 (c.23)*

VALID FROM 03/04/2000

- 99 The Asylum and Immigration Appeals Act 1993 is amended as follows.

#### Commencement Information

- I92** Sch. 14 para. 99 partly in force; Sch. 14 para. 99 not in force at Royal Assent see [s. 170\(4\)](#); Sch. 14 para. 99 in force for certain purposes at 3.4.2000 by [S.I. 2000/464](#), [art. 2](#), [Sch.](#) and in force for certain purposes at 2.10.2000 by [S.I. 2000/2444](#), [art. 2](#), [Sch. 1](#) (subject to [arts. 3, 4](#), [Sch. 2](#))

PROSPECTIVE

- 100 Omit section 3 (fingerprinting).

*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 03/04/2000

101 Omit sections 4 and 5 and Schedule 1 (housing of asylum-seekers and their dependants).

102 (1) Omit section 6 (protection of asylum claimants from deportation etc.).

(2) This paragraph is to be treated as having come into force on 26th July 1993.

VALID FROM 02/10/2000

103 Omit section 7 (curtailment of leave).

**Commencement Information**

**193** Sch. 14 paras. 55, 65, 66, 69, 70, 84, 103-106, 114, 115, 120, 122-128 wholly in force at 2.10.2000 by S.I. 2000/2444, art. 2, **Sch. 1** (subject to the transitional provisions in arts. 3, 4, Sch. 2)

VALID FROM 02/10/2000

104 Omit sections 8, 9, 10 and 11 and Schedule 2 (which relate to appeals).

**Commencement Information**

**194** Sch. 14 paras. 55, 65, 66, 69, 70, 84, 103-106, 114, 115, 120, 122-128 wholly in force at 2.10.2000 by S.I. 2000/2444, art. 2, **Sch. 1** (subject to the transitional provisions in arts. 3, 4, Sch. 2)

VALID FROM 02/10/2000

105 For paragraph (a) of section 9A(1) (bail pending appeal from Immigration Appeal Tribunal), substitute—

“(a) has an appeal under Part IV of the Immigration and Asylum Act 1999 which is pending by reason of an appeal, or an application for leave to appeal;”.

**Commencement Information**

**195** Sch. 14 paras. 55, 65, 66, 69, 70, 84, 103-106, 114, 115, 120, 122-128 wholly in force at 2.10.2000 by S.I. 2000/2444, art. 2, **Sch. 1** (subject to the transitional provisions in arts. 3, 4, Sch. 2)

VALID FROM 02/10/2000

106 In section 9A(6), for “section 9 above” substitute “ paragraph 23 of Schedule 4 of the Immigration and Asylum Act 1999 ”.



*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Commencement Information

**196** Sch. 14 paras. 55, 65, 66, 69, 70, 84, 103-106, 114, 115, 120, 122-128 wholly in force at 2.10.2000 by S.I. 2000/2444, art. 2, Sch. 1 (subject to the transitional provisions in arts. 3, 4, Sch. 2)

PROSPECTIVE

107 Omit section 12 (carriers' liability).

VALID FROM 14/02/2000

#### *The Asylum and Immigration Act 1996 (c.49)*

108 The Asylum and Immigration Act 1996 is amended as follows.

#### Commencement Information

**197** Sch. 14 para. 108 partly in force; Sch. 14 para. 108 not in force at Royal Assent see s. 170(4); Sch. 14 para. 108 in force for certain purposes at 14.2.2000 by S.I. 2000/168, art. 2, Sch. (with transitional provisions in art. 3); Sch. 14 para. 108 in force for certain purposes at 1.3.2000 and for certain further purposes at 3.4.2000 by S.I. 2000/464, art. 2, Sch.; Sch. 14 para. 108 in force for certain purposes at 2.10.2000 by S.I. 2000/2444, art. 2, Sch. 1 (subject to arts. 3, 4, Sch. 2)

109 Omit section 7 (power of arrest and search warrants).

VALID FROM 01/03/2000

110 Omit section 9 (entitlement to housing accommodation and assistance).

VALID FROM 03/04/2000

111 Omit section 10 (entitlement to child benefit).

VALID FROM 03/04/2000

112 Omit section 11 (saving for social security regulations).

VALID FROM 03/04/2000

113 Omit Schedule 1 (modifications of social security regulations).

*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 02/10/2000

114 In Schedule 2, omit sub-paragraphs (2) and (3) of paragraph 1, paragraph 3 and paragraph 4(2) (which are spent as a result of this Act).

**Commencement Information**

**198** Sch. 14 paras. 55, 65, 66, 69, 70, 84, 103-106, 114, 115, 120, 122-128 wholly in force at 2.10.2000 by S.I. 2000/2444, art. 2, **Sch. 1** (subject to the transitional provisions in arts. 3, 4, Sch. 2)

VALID FROM 02/10/2000

115 In Schedule 3, omit paragraphs 1, 2 and 5 (which are spent as a result of this Act).

**Commencement Information**

**199** Sch. 14 paras. 55, 65, 66, 69, 70, 84, 103-106, 114, 115, 120, 122-128 wholly in force at 2.10.2000 by S.I. 2000/2444, art. 2, **Sch. 1** (subject to the transitional provisions in arts. 3, 4, Sch. 2)

PROSPECTIVE

*The Housing Act 1996 (c.52)*

116 In section 183(2) of the Housing Act 1996 (interpretation of expressions related to assistance), in the definition of “eligible for assistance”, omit “or section 186 (asylum seekers and their dependants)”.

*The Education Act 1996 (c. 56)*

117 In section 512(3) of the Education Act 1996 (requirement to provide school meals)

(a) for the words from the beginning to “a”, where it occurs for the second time, substitute—

“(3) Subsection (3A) applies in relation to a pupil—

(a) whose parents are in receipt of—

(i) income support;(ii) an income-based jobseeker’s allowance (payable under the Jobseekers Act 1995); or(iii) support provided under Part VI of the Immigration and Asylum Act 1999; or(b) who is himself in receipt of income support or an income-based jobseeker’s allowance.

(3A) A”; and

(b) in paragraph (a), for “him” substitute “ the pupil ”.

*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 14/02/2000

*The Special Immigration Appeals Commission Act 1997 (c.68)*

118 The Special Immigration Appeals Commission Act 1997 is amended as follows.

**Commencement Information**

**I100** Sch. 14 para. 118 partly in force; Sch. 14 para. 118 not in force at Royal Assent see s. 170(4); Sch. 14 para. 118 in force for certain purposes at 14.2.2000 by S.I. 2000/168, art. 2, Sch. (with transitional provisions in art. 3); Sch. 14 para. 118 in force for certain purposes at 1.8.2000 by S.I. 2000/1985, art. 2, Sch. and in force for certain purposes at 2.10.2000 by S.I. 2000/2444, art. 2, Sch. 1 (subject to arts. 3, 4, Sch. 2)

119 In section 2 (appellate jurisdiction of the Commission), for subsection (1) substitute—

“(1) A person may appeal to the Special Immigration Appeals Commission against a decision which he would be entitled to appeal against under any provision (other than section 59(2)) of Part IV of the Immigration and Asylum Act 1999 (“the 1999 Act”) or the Immigration (European Economic Area) Order 1994 (“the 1994 Order”) but for a public interest provision.

(1A) “Public interest provision” means any of—

- (a) sections 60(9), 62(4), 64(1) or (2) or 70(1) to (6) of the 1999 Act; or
- (b) paragraphs (b), (c) or (d) of Article 20(2) of the 1994 Order.”

VALID FROM 02/10/2000

120 In section 2(2) for “subsection (2) of section 13 of the Immigration Act 1971, but for subsection (5) of that section” substitute “ section 59(2) of the 1999 Act but for section 60(9) of that Act ”.

**Commencement Information**

**I101** Sch. 14 paras. 55, 65, 66, 69, 70, 84, 103-106, 114, 115, 120, 122-128 wholly in force at 2.10.2000 by S.I. 2000/2444, art. 2, Sch. 1 (subject to the transitional provisions in arts. 3, 4, Sch. 2)

121 After section 2 insert—

**“2A Jurisdiction: human rights.**

(1) A person who alleges that an authority has, in taking an appealable decision, acted in breach of his human rights may appeal to the Commission against that decision.

*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) For the purposes of this section, an authority acts in breach of a person's human rights if he acts, or fails to act, in relation to that other person in a way which is made unlawful by section 6(1) of the <sup>M27</sup>Human Rights Act 1998.
- (3) Subsections (4) and (5) apply if, in any appellate proceedings being heard by the Commission, a question arises as to whether an authority has, in taking a decision which is the subject of the proceedings, acted in breach of the appellant's human rights.
- (4) The Commission has jurisdiction to consider the question.
- (5) If the Commission decides that the authority concerned acted in breach of the appellant's human rights, the appeal may be allowed on that ground.
- (6) "Authority" means—
  - (a) the Secretary of State;
  - (b) an immigration officer;
  - (c) a person responsible for the grant or refusal of entry clearance.
- (7) "Appealable decision" means a decision against which a person would be entitled to appeal under Part IV of the 1999 Act or the 1994 Order but for a public interest provision.
- (8) "The 1999 Act", "the 1994 Order" and "public interest provision" have the same meaning as in section 2."

#### Marginal Citations

M27 1998 c. 42.

VALID FROM 02/10/2000

122

In section 4 (determination of appeals), after subsection (1) insert—

“(1A) If a certificate under section 70(4)(b) of the Immigration and Asylum Act 1999 has been issued, the Commission on an appeal to it under this Act may, instead of determining the appeal, quash the certificate and remit the appeal to an adjudicator.”

#### Commencement Information

I102 Sch. 14 paras. 55, 65, 66, 69, 70, 84, 103-106, 114, 115, 120, 122-124, 126-128 wholly in force at 2.10.2000 by S.I. 2000/2444, art. 2, Sch. 1 (subject to the transitional provisions in arts. 3, 4, Sch. 2)

VALID FROM 02/10/2000

123

In section 7 (appeals from Commission), omit subsection (4).

*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Commencement Information

**I103** Sch. 14 paras. 55, 65, 66, 69, 70, 84, 103-106, 114, 115, 120, 122-124, 126-128 wholly in force at 2.10.2000 by S.I. 2000/2444, art. 2, Sch. 1 (subject to the transitional provisions in arts. 3, 4, Sch. 2)

VALID FROM 02/10/2000

124 After section 7, insert—

#### “7A Pending appeals.

- (1) For the purposes of this Act, an appeal to the Commission is to be treated as pending during the period beginning when notice of appeal is given and ending when the appeal is finally determined, withdrawn or abandoned.
- (2) An appeal is not to be treated as finally determined while a further appeal may be brought.
- (3) If a further appeal is brought, the original appeal is not to be treated as finally determined until the further appeal is determined, withdrawn or abandoned.
- (4) A pending appeal to the Commission is to be treated as abandoned if the appellant leaves the United Kingdom.
- (5) A pending appeal to the Commission is to be treated as abandoned if the appellant is granted leave to enter or remain in the United Kingdom.
- (6) But subsection (5) does not apply to an appeal brought under section 2(1) as a result of section 70(4) of the Immigration and Asylum Act 1999.
- (7) A pending appeal brought under section 2(1) as a result of section 62(3) of that Act is to be treated as abandoned if a deportation order is made against the appellant.”

#### Commencement Information

**I104** Sch. 14 paras. 55, 65, 66, 69, 70, 84, 103-106, 114, 115, 120, 122-124, 126-128 wholly in force at 2.10.2000 by S.I. 2000/2444, art. 2, Sch. 1 (subject to the transitional provisions in arts. 3, 4, Sch. 2)

- 125 In Schedule 1 (supplementary provision as to Commission), in paragraph 5(b)—
- (a) in sub-paragraph (i), for “paragraph 1 of Schedule 5 to the Immigration Act 1971” substitute “section 57(2) of the Immigration and Asylum Act 1999”; and
  - (b) in sub-paragraph (ii), for “paragraph 7 of that Schedule” substitute “paragraph 1(3) of Schedule 2 to that Act”.

*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 02/10/2000

126 In Schedule 2 (supplementary provisions as to appeals) for paragraphs 1 to 3 substitute—

*“ Stay on directions for removal*

- 1 If a person in the United Kingdom appeals under section 2(1) above on being refused leave to enter, any directions previously given by virtue of the refusal for his removal from the United Kingdom cease to have effect, except in so far as they have already been carried out, and no directions may be so given so long as the appeal is pending.
- 2 If a person in the United Kingdom appeals under section 2(1) above against any directions given under Part I of Schedule 2 or Schedule 3 to the 1971 Act for his removal from the United Kingdom, those directions except in so far as they have already been carried out, have no effect while the appeal is pending.
- 3 But the provisions of Part I of Schedule 2 or, as the case may be, Schedule 3 to the 1971 Act with respect to detention and persons liable to detention apply to a person appealing under section 2(1) above as if there were in force directions for his removal from the United Kingdom, except that he may not be detained on board a ship or aircraft so as to compel him to leave the United Kingdom while the appeal is pending.
- 3A In calculating the period of two months limited by paragraph 8(2) of Schedule 2 to the 1971 Act for the giving of directions under that paragraph for the removal of a person from the United Kingdom and for the giving of a notice of intention to give such directions, any period during which there is pending an appeal by him under section 2(1) above is to be disregarded.
- 3B If directions are given under Part I of Schedule 2 or Schedule 3 to the 1971 Act 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 2(1) above, the appeal has the same effect under paragraphs 1 to 3A in relation 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.

*Suspension of variation of limited leave*

- 3C A variation is not to take effect while an appeal is pending under section 2(1) above against the variation.

*Continuation of leave*

- 3D (1) While an appeal under section 2(1) above is pending, the leave to which the appeal relates, and any conditions subject to which it was granted continue to have effect.

*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) A person may not make an application for a variation of his leave to enter or remain while that leave is treated as continuing to have effect as a result of sub-paragraph (1).

(3) For the purposes of section 2(1), in calculating whether, as a result of a decision, a person may be required to leave the United Kingdom within twenty-eight days, a continuation of leave under this paragraph is to be disregarded.

#### *Deportation orders*

3E A deportation order is not to be made against a person under section 5 of the 1971 Act while an appeal duly brought under section 2(1) above against the decision to make it is pending.

3F In calculating the period of eight weeks set by section 5(3) of the 1971 Act for making a deportation order against a person as belonging to the family of another person, there is to be disregarded any period during which an appeal under section 2(1) above against the decision to make the order is pending.

#### *Appeals under section 2A*

3G (1) A person is not to be required to leave, or be removed from, the United Kingdom if an appeal under section 2A is pending against the decision on which that requirement or removal would otherwise be based.

(2) That does not prevent—

- (a) directions for his removal being given during that period;
- (b) a deportation order being made against him during that period.

(3) But no such direction or order is to have effect during that period.”

#### **Commencement Information**

**1105** Sch. 14 paras. 55, 65, 66, 69, 70, 84, 103-106, 114, 115, 120, 122-124, 126-128 wholly in force at 2.10.2000 by S.I. 2000/2444, art. 2, Sch. 1 (subject to the transitional provisions in arts. 3, 4, Sch. 2)

VALID FROM 02/10/2000

127

In Schedule 2, in paragraph 4, for “the Immigration Act 1971 as applied by paragraphs 1 to 3 above” substitute “ this Schedule ”

#### **Commencement Information**

**1106** Sch. 14 paras. 55, 65, 66, 69, 70, 84, 103-106, 114, 115, 120, 122-124, 126-128 wholly in force at 2.10.2000 by S.I. 2000/2444, art. 2, Sch. 1 (subject to the transitional provisions in arts. 3, 4, Sch. 2)

*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 02/10/2000	
128	In Schedule 2, omit paragraph 5.
<p><b>Commencement Information</b>  <b>I107</b> Sch. 14 paras. 55, 65, 66, 69, 70, 84, 103-106, 114, 115, 120, 122-124, 126-128 wholly in force at 2.10.2000 by S.I. 2000/2444, art. 2, Sch. 1 (subject to the transitional provisions in arts. 3, 4, Sch. 2)</p>	
VALID FROM 01/08/2000	
129	In Schedule 2, for paragraphs 6 and 7 substitute—
<p style="text-align: center;"><i>“ Notice of appealable decision and statement of appeal rights etc.</i></p> <p style="margin-left: 40px;">6 Paragraph 1 of Schedule 4 to the Immigration and Asylum Act 1999 has effect as if section 2 of this Act were contained in Part IV of that Act.</p> <p style="text-align: center;"><i>Financial support for organisations helping persons with rights of appeal</i></p> <p style="margin-left: 40px;">7 Section 81 of the Immigration and Asylum Act 1999 shall have effect as if section 2 above were contained in Part IV of that Act.”</p>	

## SCHEDULE 15

Section 169(2).

### TRANSITIONAL PROVISIONS AND SAVINGS

VALID FROM 14/02/2000	
<i>Leave to enter or remain</i>	
1	<p>(1) An order made under section 3A of the 1971 Act may make provision with respect to leave given before the commencement of section 1.</p> <p>(2) An order made under section 3B of the 1971 Act may make provision with respect to leave given before the commencement of section 2.</p>

#### *Section 2 of the Asylum and Immigration Act 1996*

- 2 (1) This paragraph applies in relation to any time before the commencement of the repeal by this Act of section 2 of the <sup>M28</sup>Asylum and Immigration Act 1996.
- (2) That section has effect, and is to be deemed always to have had effect, as if the reference to section 6 of the <sup>M29</sup>Asylum and Immigration Appeals Act 1993 were a



*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

reference to section 15, and any certificate issued under that section is to be read accordingly.

**Marginal Citations**

**M28** 1996 c. 49.

**M29** 1993 c. 23.

VALID FROM 14/02/2000

*Adjudicators and the Tribunal*

- 3
- (1) Each existing member of the Tribunal is to continue as a member of the Tribunal as if he had been duly appointed by the Lord Chancellor under Schedule 2.
  - (2) Each existing adjudicator is to continue as an adjudicator as if he had been duly appointed by the Lord Chancellor under Schedule 3.
  - (3) The terms and conditions for a person to whom sub-paragraph (1) or (2) applies remain those on which he held office immediately before the appropriate date.
  - (4) The provisions of Schedule 7 to the <sup>M30</sup>Judicial Pensions and Retirement Act 1993 (transitional provisions for retirement dates), so far as applicable in relation to an existing member or adjudicator immediately before the appropriate date, continue to have effect.
  - (5) The repeal by this Act of Schedule 5 to the 1971 Act (provisions with respect to adjudicators and the Tribunal) does not affect any entitlement which an existing member or adjudicator had immediately before the appropriate date as a result of a determination made under paragraph 3(1)(b) or 9(1)(b) of that Schedule.
  - (6) “The appropriate date” means—
    - (a) in relation to existing members of the Tribunal, the date on which section 56 comes into force; and
    - (b) in relation to existing adjudicators, the date on which section 57 comes into force.
  - (7) “Existing member” means a person who is a member of the Tribunal immediately before the appropriate date.
  - (8) “Existing adjudicator” means a person who is an adjudicator immediately before the appropriate date.

**Marginal Citations**

**M30** 1993. c. 8.

*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 14/02/2000

*References to justices' chief executive*

- 4 At any time before the coming into force of section 90 of the Access to Justice Act 1999—
- (a) the reference in section 48(3)(b) to the justices' chief executive appointed by the magistrates' court committee whose area includes the petty sessions area for which the specified court acts is to be read as a reference to the clerk of that court; and
  - (b) the reference in section 28K(9)(a) and (10) of the 1971 Act (inserted by section 138) to the justices' chief executive appointed by the magistrates' court committee whose area includes the petty sessions area for which the justice acts is to be read as a reference to the clerk to the justices for the petty sessions area for which the justice acts.

**Commencement Information**

**1108** Sch. 15 para. 4 partly in force; Sch. 15 para. 4 not in force at Royal Assent see s. 170(4); Sch. 15 para. 4(b) in force at 14.2.2000 by S.I. 2000/168, art. 2, Sch. (with transitional provisions in art. 3)

*Duties under National Assistance Act 1948*

- 5 Section 116 has effect, in relation to any time before section 115 is brought into force, as if section 115 came into force on the passing of this Act.

*Duties under Health Services and Public Health Act 1968*

- 6 Section 117(1) has effect, in relation to any time before section 115 is brought into force, as if section 115 came into force on the passing of this Act.

PROSPECTIVE

*Duties under Social Work (Scotland) Act 1968*

- 7 Subsections (1) to (3) of section 120 have effect, in relation to any time before section 115 is brought into force, as if section 115 came into force on the passing of this Act.

PROSPECTIVE

*Duties under Health and Personal Social Services (Northern Ireland) Order 1972*

- 8 Subsections (1) and (2) of section 121 have effect, in relation to any time before section 115 is brought into force, as if section 115 came into force on the passing of this Act.

*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Duties under National Health Service Act 1977*

- 9 Section 117(2) has effect, in relation to any time before section 115 is brought into force, as if section 115 came into force on the passing of this Act.

PROSPECTIVE

*Duties under Mental Health (Scotland) Act 1984*

F7 10 .....

**Textual Amendments**

- F7 Sch. 15 para. 10 repealed (S.) (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), s. 333(2), [sch. 5 Pt. 1](#); S.S.I. 2005/161, art. 3 (as substituted (1.7.2005) by S.S.I. 2005/375, art. 2 and as amended (22.9.2005) by S.S.I. 2005/459, art. 2)

VALID FROM 02/10/2000

*Appeals relating to deportation orders*

- 11 Section 15 of the 1971 Act, section 5 of the <sup>M31</sup>Immigration Act 1988 and the <sup>M32</sup>Immigration (Restricted Right of Appeal against Deportation) (Exemption) Order 1993 are to continue to have effect in relation to any person on whom the Secretary of State has, before the commencement of the repeal of those sections, served a notice of his decision to make a deportation order.

**Commencement Information**

- I109 Sch. 15 para. 11 wholly in force at 2.10.2000 by [S.I. 2000/2444](#), art. 2, [Sch. 1](#) (subject to the transitional provisions in [arts. 3, 4](#), [Sch. 2](#))

**Marginal Citations**

- M31 1988 c. 14  
M32 S.I. 1993/1656

- 12 (1) Sub-paragraph (2) applies if, on the coming into force of section 10, sections 15 of the 1971 Act and 5 of the Immigration Act 1988 have been repealed by this Act.
- (2) Those sections are to continue to have effect in relation to any person—
- (a) who applied during the regularisation period fixed by section 9, in accordance with the regulations made under that section, for leave to remain in the United Kingdom, and
  - (b) on whom the Secretary of State has since served a notice of his decision to make a deportation order.

*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Commencement Information

**II10** Sch. 15 para. 12 wholly in force at 2.10.2000 by virtue of S.I. 2000/265, reg. 3 and S.I. 2000/2444, art. 2, Sch. 1 (subject to the transitional provisions in arts. 3, 4, Sch. 2)

### *Assistance under Part VII of the Housing Act 1996*

- 13 (1) The Secretary of State may by order provide for any provision of Part VII of the <sup>M33</sup>Housing Act 1996 (homelessness) to have effect in relation to section 185(2) persons, during the interim period, with such modifications as may be specified in the order.
- (2) An order under this paragraph may, in particular, include provision—
- (a) for the referral of section 185(2) persons by one local housing authority to another by agreement between the authorities;
  - (b) as to the suitability of accommodation for such persons;
  - (c) as to out-of-area placements of such persons.
- (3) “Interim period” means the period beginning with the passing of this Act and ending on the coming into force of the repeal of section 186 of the Act of 1996 (asylum-seekers and their dependants) by this Act (as to which see section 117(5)).
- (4) “Local housing authority” has the same meaning as in the Act of 1996.
- (5) “Section 185(2) person” means a person who—
- (a) is eligible for housing assistance under Part VII of the Act of 1996 as a result of regulations made under section 185(2) of that Act; and
  - (b) is not made ineligible by section 186 (or any other provision) of that Act.
- (6) The fact that an order may be made under this paragraph only in respect of the interim period does not prevent it from containing provisions of a kind authorised under section 166(3)(a) which are to have continuing effect after the end of that period.

### Marginal Citations

**M33** 1996 c. 52.

VALID FROM 14/02/2000

### *Provision of support*

- 14 (1) The Secretary of State may, by directions given to a local authority to whom Schedule 9 applies, require the authority to treat the interim period fixed for the purposes of that Schedule as coming to an end—
- (a) for specified purposes,
  - (b) in relation to a specified area or locality, or
  - (c) in relation to persons of a specified description,
- on such earlier day as may be specified.

*Status: Point in time view as at 01/01/2000.*

*Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) The Secretary of State may, by directions given to an authority to whom an amended provision applies, provide for specified descriptions of person to be treated—
- (a) for specified purposes, or
  - (b) in relation to a specified area or locality,
- as being persons to whom section 115 applies during such period as may be specified.
- (3) Directions given under this paragraph may—
- (a) make such consequential, supplemental or transitional provision as the Secretary of State considers appropriate; and
  - (b) make different provision for different cases or descriptions of case.
- (4) “Specified” means specified in the directions.
- (5) “Amended provision” means any provision amended by—
- (a) section 116;
  - (b) section 117(1) or (2);
  - (c) section 120; or
  - (d) section 121.

VALID FROM 14/02/2000

## SCHEDULE 16

Section 169(3).

### REPEALS

#### Commencement Information

**1111** Sch. 16 partly in force; Sch. 16 not in force at Royal Assent, see s. 170(4); Sch. 16 in force for certain purposes at: 14.2.2000 by S.I. 2000/168, art. 2, Sch. (with art. 3); 1.3.2000 and 3.4.2000 by S.I. 2000/464, art. 2, Sch.; 2.10.2000 by S.I. 2000/2444, art. 2, Sch. 1 (subject to arts. 3, 4, Sch. 2); 1.1.2001 by S.I. 2000/2698, art. 2, Sch. (subject to art. 3) (as amended by S.I. 2000/3099, art. 4); 11.12.2000 by S.I. 2000/3099, art. 2, Sch.; 8.12.2002 by S.I. 2002/2815, art. 2, Sch.

**Status:**

Point in time view as at 01/01/2000.

**Changes to legislation:**

Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.