

*Status: Point in time view as at 02/10/2000.*

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## SCHEDULES

### SCHEDULE 2 **U.K.**

Section 2.

#### APPEALS: SUPPLEMENTARY

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

**C1** Sch. 2 modified (2.10.2000) by S.I. 2000/2326, reg. 36(5)

*[<sup>F1</sup> Stay on directions for removal]*

##### Textual Amendments

**F1** Sch. 2 para. 1 and crossheading substituted (2.10.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 118, 126; S.I. 2000/2444, art. 2, Sch. 1 (with transitional provisions in arts. 3, 4)

<sup>F2</sup>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.]

##### Textual Amendments

**F2** Sch. 2 para. 1 substituted (2.10.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 118, 126; S.I. 2000/2444, art. 2, Sch. 1 (with transitional provisions in arts. 3, 4)

*Deportation order not to be made while appeal pending*

<sup>F3</sup>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.]

##### Textual Amendments

**F3** Sch. 2 para. 2 substituted (2.10.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 118, 126; S.I. 2000/2444, art. 2, Sch. 1 (with transitional provisions in arts. 3, 4)

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*Stay of removal directions pending appeal and bail*

[<sup>F4</sup>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.]

**Textual Amendments**

**F4** Sch. 2 paras. 3-3G substituted for Sch. 2 para. 3 (2.10.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 118, 126; S.I. 2000/2444, art. 2, Sch. 1 (with transitional provisions in arts. 3, 4)

[<sup>F5</sup>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.]

**Textual Amendments**

**F5** Sch. 2 paras. 3-3G substituted for Sch. 2 para. 3 (2.10.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 118, 126; S.I. 2000/2444, art. 2, Sch. 1 (with transitional provisions in arts. 3, 4)

[<sup>F6</sup>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.]

**Textual Amendments**

**F6** Sch. 2 paras. 3-3G substituted for Sch. 2 para. 3 (2.10.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 118, 126; S.I. 2000/2444, art. 2, Sch. 1 (with transitional provisions in arts. 3, 4)

*[<sup>F7</sup> Suspension of variation of limited leave]*

**Textual Amendments**

**F7** Sch. 2 paras. 3-3G substituted for Sch. 2 para. 3 (2.10.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 118, 126; S.I. 2000/2444, art. 2, Sch. 1 (with transitional provisions in arts. 3, 4)

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[<sup>F8</sup>3C A variation is not to take effect while an appeal is pending under section 2(1) above against the variation.]

**Textual Amendments**

**F8** Sch. 2 paras. 3-3G substituted for Sch. 2 para. 3 (2.10.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 118, 126; S.I. 2000/2444, art. 2, Sch. 1 (with transitional provisions in arts. 3, 4)

[<sup>F9</sup> Continuation of leave]

**Textual Amendments**

**F9** Sch. 2 paras. 3-3G substituted for Sch. 2 para. 3 (2.10.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 118, 126; S.I. 2000/2444, art. 2, Sch. 1 (with transitional provisions in arts. 3, 4)

[<sup>F10</sup>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.  
(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.]

**Textual Amendments**

**F10** Sch. 2 paras. 3-3G substituted for Sch. 2 para. 3 (2.10.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 118, 126; S.I. 2000/2444, art. 2, Sch. 1 (with transitional provisions in arts. 3, 4)

[<sup>F11</sup> Deportation orders]

**Textual Amendments**

**F11** Sch. 2 paras. 3-3G substituted for Sch. 2 para. 3 (2.10.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 118, 126; S.I. 2000/2444, art. 2, Sch. 1 (with transitional provisions in arts. 3, 4)

[<sup>F12</sup>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.]

**Textual Amendments**

**F12** Sch. 2 paras. 3-3G substituted for Sch. 2 para. 3 (2.10.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 118, 126; S.I. 2000/2444, art. 2, Sch. 1 (with transitional provisions in arts. 3, 4)

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[<sup>F13</sup>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.]

#### Textual Amendments

**F13** Sch. 2 paras. 3-3G substituted for Sch. 2 para. 3 (2.10.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 118, 126; S.I. 2000/2444, art. 2, Sch. 1 (with transitional provisions in arts. 3, 4)

#### [<sup>F14</sup> Appeals under section 2A]

#### Textual Amendments

**F14** Sch. 2 paras. 3-3G substituted for Sch. 2 para. 3 (2.10.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 118, 126; S.I. 2000/2444, art. 2, Sch. 1 (with transitional provisions in arts. 3, 4)

[<sup>F15</sup>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.]

#### Textual Amendments

**F15** Sch. 2 paras. 3-3G substituted for Sch. 2 para. 3 (2.10.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 118, 126; S.I. 2000/2444, art. 2, Sch. 1 (with transitional provisions in arts. 3, 4)

#### *Construction of references to pending appeal*

4 For the purposes of [<sup>F16</sup>this Schedule], an appeal under section 2 above shall be treated as pending during the period beginning when notice of appeal is duly given and ending when the appeal is finally determined or withdrawn; and an appeal shall not be treated as finally determined so long as a further appeal can be brought by virtue of section 7 above, nor, if such an appeal is duly brought, until it is determined or withdrawn.

#### Textual Amendments

**F16** Words in Sch. 2 para. 4 substituted (2.10.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 118, 127; S.I. 2000/2444, art. 2, Sch. 1 (with transitional provisions in arts. 3, 4)

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### *Appeals involving asylum*

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F17<sup>5</sup>

#### **Textual Amendments**

**F17** Sch. 2 para. 5 repealed (2.10.2000) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 118, 128, **Sch. 16**; S.I. 2000/2444, art. 2, **Sch. 1** (with transitional provisions in arts. 3, 4)

*[<sup>F18</sup> Notice of appealable decision and statement of appeal rights etc.]*

#### **Textual Amendments**

**F18** Sch. 2 para. 6 and crossheading substituted (1.8.2000 for specified purposes and otherwise 2.10.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 118, **129**; S.I. 2000/1985, art. 2, **Sch. 1**; S.I. 2000/2444, art. 2, **Sch. 1** (with transitional provisions in arts. 3, 4)

[<sup>F19</sup>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.]

#### **Textual Amendments**

**F19** Sch. 2 para. 6 substituted (1.8.2000 for specified purposes and otherwise 2.10.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 118, **129**; S.I. 2000/1985, art. 2, **Sch. 1**; S.I. 2000/2444, art. 2, **Sch. 1** (with transitional provisions in arts. 3, 4)

*[<sup>F20</sup> Financial support for organisations helping persons with rights of appeal]*

#### **Textual Amendments**

**F20** Sch. 2 para. 7 and crossheading substituted (1.8.2000 for specified puposes and otherwise 2.10.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 118, **129**; S.I. 2000/1985, art. 2, **Sch. 1**; S.I. 2000/2444, art. 2, **Sch. 1** (with transitional provisions in arts. 3, 4)

[<sup>F21</sup>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.]

#### **Textual Amendments**

**F21** Sch. 2 para. 7 substituted (1.8.2000 for specified purposes and otherwise 2.10.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 118, **129**; S.I. 2000/1985, art. 2, **Sch. 1**; S.I. 2000/2444, art. 2, **Sch. 1** (with transitional provisions in arts. 3, 4)

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