



Immigration and Asylum Act 1999

CHAPTER 33

IMMIGRATION AND ASYLUM ACT 1999

PART I

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Status: Point in time view as at 28/04/2022.

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- 1 The chief officer of police for a police area in...
- 2 The chief constable of the Police Service of Scotland.
- 3 The Chief Constable of the Police Service of Northern Ireland....
- 4 The Chief Constable of the British Transport Police Force.
- 5 A Port Police Force established under an order made under...
- 6 The Port Police Force established under Part 10 of the...
- 7 A Port Police Force established under section 79 of the...
- 8 The National Crime Agency.

Local government

- 9 A county council or district council in England.
- 10 A London borough council.
- 11 The Greater London Authority.
- 12 The Common Council of the City of London in its...

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- 13 The Council of the Isles of Scilly.
- 14 A county council or a county borough council in Wales....
- 15 A council constituted under section 2 of the Local Government...
- 16 A district council in Northern Ireland.

Regulatory bodies

- 17 The Gangmasters and Labour Abuse Authority.
- 18 The Security Industry Authority.

Health bodies

- 19 An NHS trust established under section 25 of the National...
- 20 An NHS foundation trust within the meaning given by section...
- 21 A Local Health Board established under section 11 of the...
- 22 A National Health Service Trust established under section 12A of...
- 23 A Health and Social Care trust established under Article 10...

Education bodies

- 24 The proprietor of a school or 16 to 19 Academy...
- 25 The governing body of an institution within the further education...
- 26 The governing body of a qualifying institution within the meaning...
- 27 The proprietor or governing body of a school within the...
- 28 The proprietor or governing body of a post-16 education body...
- 29 The proprietor of a school within the meaning of the...
- 30 The governing body of an institution of further education within...
- 31 The governing body of a higher education institution as defined...

Registration officials

- 32 The Registrar General for England and Wales.
- 33 A superintendent registrar of births, deaths and marriages.
- 34 A registrar of births, deaths and marriages.
- 35 A civil partnership registrar within the meaning of Chapter 1...
- 36 The Registrar General for Scotland.
- 37 A district registrar within the meaning of section 7 of...
- 38 A senior registrar within the meaning of that section.
- 39 An assistant registrar within the meaning of that section.
- 40 The Registrar General for Northern Ireland.
- 41 A person appointed under Article 31(1) or (3) of the...
- 42 A person appointed under section 152(1) or (3) of the...

Other bodies: Northern Ireland

- 43 The Northern Ireland Housing Executive.

SCHEDULE 1 — Sale of Transporters

Leave of court required

- 1 (1) The sale of a transporter requires the leave of...

Notice of proposed sale

- 2 Before applying for leave to sell a transporter, the Secretary...

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2A Where the owner of a transporter is a party to...

Duty to obtain best price

3 If leave for sale is given, the Secretary of State...

Effect of failure to comply with paragraph 2 or 3

4 Failure to comply with any requirement of paragraph 2 or...

Application of proceeds of sale

5 (1) Any proceeds of sale arising from a sale under...

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Members

1 The Immigration Appeal Tribunal

President and Deputy President

2 The Immigration Appeal Tribunal

Term of office

3 The Immigration Appeal Tribunal

Remuneration

4 The Immigration Appeal Tribunal

Compensation

5 The Immigration Appeal Tribunal

Proceedings

6 The Immigration Appeal Tribunal

Staff

7 The Immigration Appeal Tribunal

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1 Adjudicators

Qualification for appointment

2 Adjudicators

Term of office

3 Adjudicators

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Remuneration

4 Adjudicators

Compensation

5 Adjudicators

Proceedings

6 Adjudicators

Staff

7 Adjudicators

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1 Appeals

Service of notices

2 Appeals

Lord Chancellor's rules of procedure

3 Appeals

4 Appeals

Practice directions

5 Appeals

Hearings in private

6 Appeals

Leave to appeal

7 Appeals

Offences

8 Appeals

Convention cases

9 Appeals

Racial discrimination

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10 Appeals

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- 11 Appeals
- 12 Appeals
- 13 Appeals
- 14 Appeals
- 15 Appeals

Suspension of variation of limited leave

- 16 Appeals

Continuation of leave

- 17 Appeals

Deportation orders

- 18 Appeals
- 19 Appeals

Appeals under section 65

- 20 Appeals
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- 22 Appeals

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- 23 Appeals

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- 24 Appeals

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The Commissioner's rules

- 1 (1) The Commissioner may make rules regulating any aspect of...
- 2 (1) The Commissioner's rules must be made or altered by...

Code of Standards

- 3 (1) The Commissioner must prepare and issue a code setting...

Extension of scope of the Code

- 4 (1) The Secretary of State may by order provide for...

Inspections

- 4A The Commissioner may carry out inspections of the activities and...

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Investigation of complaints

- 5 (1) The Commissioner must establish a scheme (“the complaints scheme”)...
- 6 (1) The complaints scheme must provide for a person who...
- ...
- 7 The Immigration Services Commissioner

Determination of complaints

- 8 (1) On determining a complaint under the complaints scheme, the...
- 9 (1) On determining a complaint under the complaints scheme, the...

Complaints referred to designated professional bodies

- 10 (1) This paragraph applies if the Commissioner refers a complaint...

Power of entry and inspection

- 10A (1) On an application made by the Commissioner a justice...
Part II — COMMISSIONER’S STATUS, REMUNERATION AND STAFF ETC

Status

- 11 (1) The Commissioner is to be a corporation sole.

Period of office

- 12 (1) The Commissioner— (a) is to hold office for a...

Terms and conditions of appointment

- 13 Subject to the provisions of this Schedule, the Commissioner is...

Remuneration, expenses and pensions

- 14 (1) There is to be paid to the Commissioner such...

Compensation

- 15 If a person ceases to be the Commissioner, otherwise than...

Deputy Commissioner

- 16 (1) The Secretary of State must appoint a person to...

Staff

- 17 (1) Subject to obtaining the approval of the Secretary of...

Expenditure

- 18 The Secretary of State may pay to the Commissioner—

Receipts

- 19 (1) Subject to any general or specific directions given to...

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Accounts and records

- 20 (1) The Commissioner must— (a) keep proper accounts and proper...

Annual report

- 21 (1) The Commissioner must, as soon as is practicable after...

Proof of instruments

- 22 A document purporting to be an instrument issued by the...

Disqualification for House of Commons

- 23 In Part III of Schedule 1 to the House of...

Disqualification for Northern Ireland Assembly

- 24 In Part III of Schedule 1 to the Northern Ireland...

The Parliamentary Commissioner Act 1967 (c.13)

- 25 In Schedule 2 of the Parliamentary Commissioner Act 1967
(departments...

SCHEDULE 6 — Registration

Applications for registration

- 1 (1) An application for registration under section 84(2)(a) ... must—...

Registration

- 2 (1) If the Commissioner considers that an applicant for registration...

Review of qualifications

- 3 (1) At such intervals as the Commissioner may determine, each...

Variation of registration

- 3A The Commissioner may vary a person's registration—

Disqualification of certain persons

- 4 A person convicted of an offence under section 25 or...

Further provision for the cancellation of registration

- 4A The Commissioner must cancel a person's registration if—

Suspension of registration

- 4B (1) The First-tier Tribunal may, on an application made to...

Fees

- 5 (1) The Secretary of State may by order—

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Open registers

6 (1) The register must be made available for inspection by...

SCHEDULE 7 — The Immigration Services Tribunal

Members

1 The Immigration Services Tribunal

The President

2 The Immigration Services Tribunal

Terms and conditions of appointment

3 The Immigration Services Tribunal

Remuneration and expenses

4 The Immigration Services Tribunal

Proceedings

5 The Immigration Services Tribunal

6 The Immigration Services Tribunal

Rules of procedure

7 The Immigration Services Tribunal

Suspending the effect of a relevant decision

8 The Immigration Services Tribunal

Staff

9 The Immigration Services Tribunal

Expenditure

10 The Immigration Services Tribunal

Meaning of “legally qualified”

11 The Immigration Services Tribunal

Disqualification for House of Commons

12 The Immigration Services Tribunal

Disqualification for Northern Ireland Assembly

13 The Immigration Services Tribunal

SCHEDULE 8 — Provision of Support: Regulations

General regulation-making power

1 The Secretary of State may by regulations make such further...

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Determining whether a person is destitute

- 2 (1) The regulations may provide, in connection with determining whether...

Prescribed levels of support

- 3 The regulations may make provision— (a) as to the circumstances...

Provision of items and services

- 4 The regulations may make provision for prescribed items or services...

Support and assets to be taken into account

- 5 The regulations may make provision requiring the Secretary of State,...

Valuation of assets

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

Breach of conditions

- 7 The regulations may make provision for the Secretary of State...

Suspension or discontinuation of support

- 8 (1) The regulations may make provision for the suspension or...

Notice to quit

- 9 (1) The regulations may provide that if—

Contributions to support

- 10 The regulations may make provision requiring a supported person to...

Recovery of sums by Secretary of State

- 11 (1) The regulations may provide for the recovery by the...

Procedure

- 12 The regulations may make provision with respect to procedural requirements...

SCHEDULE 9 — Asylum Support: Interim Provisions

- 1 (1) The Secretary of State may by regulations make provision...
- 2 (1) The regulations must provide for the question whether a...
- 3 Subsections (3) to (8) of section 95 apply for the...
- 4 The regulations may prescribe circumstances in which support for an...
- 5 The regulations may provide that support— (a) is to be...
- 6 The regulations may include provision— (a) as to the level...
- 6A The regulations may, in particular, require support to be provided...
- 7 The regulations may make provision that, in providing support, a...
- 8 The regulations may include provision— (a) prescribing particular areas, or...
- 9 (1) The regulations may make provision for the referral by...

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- 10 (1) The regulations may make provision for the referral of...
- 11 The regulations may make provision requiring prescribed local authorities or...
- 12 The regulations may make provision for the procedure for making...
- 13 The regulations may make provision for an asylum-seeker or a...
- 14 A person entitled to support under the regulations is not...
- 15 “The interim period” means the period— (a) beginning on such...

SCHEDULE 10 — Asylum Support Adjudicators

Adjudicators

- 1 Asylum Support Adjudicators

Terms and conditions of appointment

- 2 Asylum Support Adjudicators

Remuneration, expenses and pensions

- 3 Asylum Support Adjudicators

Compensation

- 4 Asylum Support Adjudicators

Staff

- 5 Asylum Support Adjudicators

Expenditure

- 6 Asylum Support Adjudicators

Proceedings

- 7 Asylum Support Adjudicators

SCHEDULE 11 — Detainee Custody Officers

Obtaining certificates of authorisation by false pretences

- 1 A person who, for the purpose of obtaining a certificate...

Powers and duties of detainee custody officers

- 2 (1) A detainee custody officer exercising custodial functions has power —...

Short-term holding facilities and pre-departure accommodation

- 3 (1) A detainee custody officer may perform functions of a...

Assaulting a detainee custody officer

- 4 A person who assaults a detainee custody officer who is—...

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Obstructing detainee custody officers

- 5 A person who resists or wilfully obstructs a detainee custody...

Uniforms and badges

- 6 For the purposes of paragraphs 4 and 5, a detainee...

Suspension and revocation of certificates of authorisation

- 7 (1) If it appears to the Secretary of State that...

Prison officers and prisoner custody officers

- 8 A reference in this Schedule to a detainee custody officer...
9 A reference in paragraph 4(d) or 5(d) to a detainee...

SCHEDULE 12 — Discipline etc at Removal Centres

Measuring and photographing detained persons

- 1 (1) Removal centre rules may (among other things) provide for...

Testing for drugs or alcohol

- 2 (1) If an authorisation is in force, a detainee custody...

Medical examinations

- 3 (1) This paragraph applies if— (a) an authorisation is in...

Assisting detained persons to escape

- 4 (1) A person who aids any detained person in escaping...

Alcohol

- 5 (1) A person who, contrary to removal centre rules, brings...

Introduction of other articles

- 6 (1) A person who— (a) conveys or attempts to convey...

Notice of penalties

- 7 (1) In the case of a contracted out removal centre,...
8 (1) In the case of a contracted out short-term holding...

Prison officers and prisoner custody officers

- 9 A reference in this Schedule to a detainee custody officer...

SCHEDULE 13 — Escort Arrangements

Monitoring of escort arrangements

- 1 (1) Escort arrangements must include provision for the appointment of...

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Powers and duties of detainee custody officers

- 2 (1) A detainee custody officer acting in accordance with escort...

Breaches of discipline

- 3 (1) Sub-paragraph (2) applies if a detained person for whose...

SCHEDULE 14 — Consequential Amendments

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

- 1 Consequential Amendments

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

- 2 Consequential Amendments

The Marriage Act 1949 (c.76)

- 3 The Marriage Act 1949 is amended as follows.
4 In section 3(1) (marriages of persons under 21)—
5 In section 5 (methods of authorising marriages), in paragraph (d),...
6 In section 17 (marriage under superintendent registrar’s certificate)—
7 In section 25 (void marriages)— (a) in paragraph (b), for...
8 In section 27(1) (notice of marriage), for “a certificate” substitute...
9 In section 27A (additional information required in certain cases)—
10 In section 27B (provisions relating to section 1(3) marriages)—
11 In section 28(1) (declaration to accompany notice of marriage), omit...
12 In section 29 (caveat against issue of certificate or licence),...
13 In section 30 (provision for issue of certificate to be...
14 In section 31 (marriage certificates)— (a) in subsections (1) and...
15 For section 33 substitute— Period of validity of certificate. (1) A
marriage may be solemnized on the authority of...
16 For section 34 substitute— Marriages normally to be solemnized in...
17 (1) Section 35 (marriages in registration district in which neither...
18 Omit section 36 (superintendent registrar not normally to issue
licences...
19 In section 37(1) (one party resident in Scotland)—
20 (1) Section 38 (one party resident in Northern Ireland) is...
21 In section 39(1) (issue of certificates on board Her Majesty’s...
22 In section 40 (forms of certificates for marriage), omit subsection...
23 In section 44(1) (solemnization of marriage in registered buildings),
for...
24 In section 45(1) (solemnization of marriage in register office)—
25 In section 47(2) (marriages according to usages of Society of...
26 In section 48(1) (proof of certain matters not necessary to...
27 In section 49 (void marriages)— (a) in paragraph (b), after...
28 In section 50 (person to whom certificate to be delivered)—...
29 In section 51(1) (fees of registrars for attending marriages), omit...
30 (1) Section 75 (offences relating to solemnization of marriages) is...
31 In section 78(3) (interpretation), in paragraph (a), for “the notice”...
32 In Schedule 4 (provisions of Act which are excluded or...

Status: Point in time view as at 28/04/2022.

Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 18 July 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 Prison Act 1952 (c.52)

- 33 In section 55 of the Prison Act 1952 (provisions extending...

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...
36 In Schedule 2 (which lists corresponding Scottish offences), after paragraph...

The Family Law Reform Act 1969 (c.46)

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

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

- 38 The Marriage (Registrar General’s Licence) Act 1970 is amended as...
39 In section 1(1) (marriages which may be solemnised by Registrar...
40 In section 5 (caveat against issue of Registrar General’s licence),...
41 In section 6 (marriage of persons under 18), for “a...
42 In section 13 (void marriages)— (a) in paragraph (a), for...

The Immigration Act 1971 (c.77)

- 43 The 1971 Act is amended as follows.
44 (1) In section 3 (general provisions for regulation and control),...
45 In section 4(1) (giving or refusal of leave to enter...
46 In section 7(1) (exemption of certain residents from deportation)—
47 (1) Section 10 (entry otherwise than by sea or air)...
48 In section 11(1) (entry to the United Kingdom), at the...
49 Omit Part II.
50 In section 24 (illegal entry and similar offences), omit subsections...
51 Consequential Amendments
52 (1) Section 27 (offences by persons connected with ships or...
53 Consequential Amendments
54 (1) Section 32 (proof of documents) is amended as follows...
55 In section 33 (interpretation), for subsection (4) substitute—
56 In Schedule 2 (administrative provisions as to control on entry),...
57 In Schedule 2, after paragraph 2, insert— Examination of persons...
58 In Schedule 2, in paragraph 4(1) and (2) (production of...
59 In Schedule 2, for paragraph 7 substitute— Power to require...
60 In Schedule 2, in paragraph 16 (detention of persons liable...
61 In Schedule 2, in paragraph 18 (treatment of persons detained),...
62 In Schedule 2, paragraph 21 (temporary admission of persons liable...
63 In Schedule 2, in paragraph 22 (temporary release of persons...
64 (1) In Schedule 2, paragraph 26 (supplementary duties of those...
65 In Schedule 2, omit paragraph 28.
66 Consequential Amendments
67 In Schedule 2, in paragraph 34 (grant of bail pending...
68 In Schedule 3, in paragraph 2(4) (application of certain provisions...
69 In Schedule 3 (supplementary provision as to deportation), in paragraph...
70 In Schedule 4 (integration of United Kingdom and Islands immigration...

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

71 In Part III of Schedule 1 to the House of...

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

72 In Part III of Schedule 1 to the Northern Ireland...

The Protection from Eviction Act 1977 (c.43)

73 In section 3A of the Protection from Eviction Act 1977...

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

74 Section 53 of the Education (Scotland) Act 1980 (requirement to...

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

75 In Schedule 1 to the Firearms (Northern Ireland) Order 1981...

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...

The Marriage Act 1983 (c.32)

77 In section 1 of the Marriage Act 1983 (marriages of...

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

78 In Schedule 2 to the Housing (Northern Ireland) Order 1983...

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

79 In section 23A of the Rent (Scotland) Act 1984 (excluded...

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

80 (1) The Police and Criminal Evidence Act 1984 is amended...

The Housing Act 1985 (c.68)

81 In Schedule 1 to the Housing Act 1985 (tenancies which...

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

82 In Schedule 2 to the Housing (Scotland) Act 1987 (tenancies...

The Immigration Act 1988 (c.14)

83 The Immigration Act 1988 is amended as follows.

84 Omit section 5 (restricted right of appeal against deportation in...

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

86 Omit section 9 (charges).

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

87 In Schedule 4 to the Housing (Scotland) Act 1988 (tenancies...

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The Housing Act 1988 (c.50)

88 In Schedule 1 to the Housing Act 1988 (tenancies which...

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

89 Consequential Amendments

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...

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

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

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

92 In the Social Security Contributions and Benefits Act 1992, omit...

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

93 In the Social Security Contributions and Benefits (Northern Ireland) Act...

The Tribunals and Inquiries Act 1992 (c.53)

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

95 Consequential Amendments

96 Consequential Amendments

97 Consequential Amendments

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

98 (1) The Judicial Pensions and Retirement Act 1993 is amended...

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

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

100 Omit section 3 (fingerprinting).

101 Omit sections 4 and 5 and Schedule 1 (housing of...

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

103 Omit section 7 (curtailment of leave).

104 Omit sections 8, 9, 10 and 11 and Schedule 2...

105 For paragraph (a) of section 9A(1) (bail pending appeal from...

106 In section 9A(6), for “section 9 above” substitute “ paragraph...

107 Omit section 12 (carriers’ liability).

The Asylum and Immigration Act 1996 (c.49)

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

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

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

111 Omit section 10 (entitlement to child benefit).

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

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

114 In Schedule 2, omit sub-paragraphs (2) and (3) of paragraph...

115 In Schedule 3, omit paragraphs 1, 2 and 5 (which...

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Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 18 July 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 1996 (c.52)

116 In section 183(2) of the Housing Act 1996 (interpretation of...

The Education Act 1996 (c. 56)

117 Consequential Amendments

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

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

119 Consequential Amendments

120 Consequential Amendments

121 Consequential Amendments

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

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

124 After section 7, insert— Pending appeals. (1) For the purposes of this Act, an appeal to...

125 In Schedule 1 (supplementary provision as to Commission), in paragraph...

126 Consequential Amendments

127 Consequential Amendments

128 Consequential Amendments

129 Consequential Amendments

SCHEDULE 15 — Transitional Provisions and Savings

Leave to enter or remain

1 (1) An order made under section 3A of the 1971...

Section 2 of the Asylum and Immigration Act 1996

2 (1) This paragraph applies in relation to any time before...

Adjudicators and the Tribunal

3 (1) Each existing member of the Tribunal is to continue...

References to justices' chief executive

4 At any time before the coming into force of section...

Duties under National Assistance Act 1948

5 Section 116 has effect, in relation to any time before...

Duties under Health Services and Public Health Act 1968

6 Section 117(1) has effect, in relation to any time before...

Duties under Social Work (Scotland) Act 1968

7 Subsections (1) to (3) of section 120 have effect, in...

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

- 8 Subsections (1) and (2) of section 121 have effect, in...

Duties under National Health Service Act 1977

- 9 Section 117(2) has effect, in relation to any time before...

Duties under Mental Health (Scotland) Act 1984

- 10 Transitional Provisions and Savings

Appeals relating to deportation orders

- 11 Section 15 of the 1971 Act, section 5 of the...
12 (1) Sub-paragraph (2) applies if, on the coming into force...

Assistance under Part VII of the Housing Act 1996

- 13 (1) The Secretary of State may by order provide for...

Provision of support

- 14 (1) The Secretary of State may, by directions given to...

SCHEDULE 16 — Repeals

Status:

Point in time view as at 28/04/2022.

Changes to legislation:

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