

Status: Point in time view as at 18/01/2010.

Changes to legislation: Immigration and Asylum Act 1999, SCHEDULE 9 is up to date with all changes known to be in force on or before 20 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)

SCHEDULES

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,
- 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 ^{M1}Health and Personal Social Services (Northern Ireland) Order 1972 is to be treated as a local authority.

Marginal Citations

M1 [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;

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- (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.

[^{F1}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

F1 Sch. 9 para. 6A inserted (7.11.2002) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\), s. 50\(2\)](#) (with s. 159)

- 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.

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- (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.
- (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.

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