

Status: Point in time view as at 01/10/2004.

Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 27 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)
- C2** Sch. 1: power to apply (with modifications) or amend conferred (prosp.) by **Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 124(6)(7), 162(1)** (with s. 159)

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 [^{F1}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.

Textual Amendments

- F1** Words in Sch. 1 para. 1(2)(a) repealed (8.12.2002 for certain purposes, 11.5.2012 in so far as not already in force) by **Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 125, 161, 162(1), Sch. 8 para. 16(2), Sch. 9** (with s. 159); S.I. 2002/2811, **art. 2, Sch.** (with art. 4), S.I. 2012/1263, art. 2

Commencement Information

- I1** 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.
- [^{F2}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—
- (a) the extent of any hardship likely to be caused by sale,

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- (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

- F2** 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)

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.

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 [^{F3}or 42] must be applied—
- (a) in making prescribed payments; and
 - (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 [^{F4}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 ^{M1}Civil Aviation Act 1982,

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- (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.

Textual Amendments

- F3** Words in Sch. 1 para. 5(1) repealed (8.12.2002 for certain purposes, otherwise prosp.) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), ss. 125, 161, 162(1), [Sch. 8 para. 16\(4\)](#), [Sch. 9](#) (with s. 159); S.I. 2002/2811, [art. 2](#), Sch. (with art. 4)
- F4** Words in Sch. 1 para. 5(2)(d) repealed (8.12.2002 for certain purposes, otherwise prosp.) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), ss. 125, 161, 162(1), [Sch. 8 para. 16\(5\)](#), [Sch. 9](#) (with s. 159); S.I. 2002/2811, [art. 2](#), Sch. (with art. 4)

Marginal Citations

- M1** 1982 c. 16.

^{F5} SCHEDULE 2

Section 56(2).

Textual Amendments

- F5** Schs. 2-4 repealed (1.4.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), s. 162(1), [Sch. 9](#) (with s. 159); S.I. 2003/754, [art. 2\(1\)](#), Sch. 1 (with arts. 3, 4, Sch. 2 para. 6)

^{F5} SCHEDULE 3

Section 57(3).

^{F5} SCHEDULE 4

Section 58(2) to (4).

APPEALS

PART I

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Service of notices

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Modifications etc. (not altering text)

C3 Sch. 4 para. 7 excluded by S.I. 2003/754, Sch. 2 para. 1(4B)(b) (as inserted (9.6.2003) by [The Nationality, Immigration and Asylum Act 2002 \(Commencement No. 4\) \(Amendment\) \(No. 2\) Order 2003 \(S.I. 2003/1339\)](#), arts. 2(2), 4)

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PART III

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Modifications etc. (not altering text)

- C4** Sch. 4 para. 23 excluded by S.I. 2003/754, Sch. 2 para. 1(4B)(b) (as inserted (9.6.2003) by The Nationality, Immigration and Asylum Act 2002 (Commencement No. 4) (Amendment) (No. 2) Order 2003 (S.I. 2003/1339), arts. 2(2), 4)

Appeals which must be dismissed

SCHEDULE 5

Section 83.

THE IMMIGRATION SERVICES COMMISSIONER

PART I

REGULATORY FUNCTIONS

The Commissioner's rules

- 1 (1) The Commissioner may make rules regulating any aspect of the professional practice, conduct or discipline of—
- (a) registered persons, and
 - [^{F6}(b) those acting on behalf of registered persons,]
- in connection with the provision of immigration advice or immigration services.
- (2) Before making or altering any rules, the Commissioner must consult such persons appearing to him to represent the views of persons engaged in the provision of immigration advice or immigration services as he considers appropriate.
- (3) In determining whether a registered person is competent or otherwise fit to provide immigration advice or immigration services, the Commissioner may take into account any breach of the rules by—
- (a) that person; and
 - [^{F7}(b) any person acting on behalf of that person.]
- (4) The rules may, among other things, make provision requiring the keeping of accounts or the obtaining of indemnity insurance.

Textual Amendments

- F6** Sch. 5 para. 1(1)(b) substituted (1.10.2004) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), ss. 37(5)(a), 48(3); S.I. 2004/2523, art. 2, Sch.
- F7** Sch. 5 para. 1(3)(b) substituted (1.10.2004) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), ss. 37(5)(b), 48(3); S.I. 2004/2523, art. 2, Sch.

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Commencement Information

I4 Sch. 5 para. 1 wholly in force at 30.10.2000; Sch. 5 para. 1 not in force at Royal Assent see s. 170(4); Sch. 5 para. 1(1)(2)(4) in force at 22.5.2000 by S.I. 2000/1282, art. 2, Sch.; Sch. 5 para. 1 in force so far as not already in force at 30.10.2000 by S.I. 2000/1985, art. 2 Sch.

- 2
- (1) The Commissioner’s rules must be made or altered by an instrument in writing.
 - (2) Such an instrument must specify that it is made under this Schedule.
 - (3) Immediately after such an instrument is made, it must be printed and made available to the public.
 - (4) The Commissioner may charge a reasonable fee for providing a person with a copy of the instrument.
 - (5) A person is not to be taken to have contravened a rule made by the Commissioner if he shows that at the time of the alleged contravention the instrument containing the rule had not been made available in accordance with this paragraph.
 - (6) The production of a printed copy of an instrument purporting to be made by the Commissioner on which is endorsed a certificate signed by an officer of the Commissioner authorised by him for that purpose and stating—
 - (a) that the instrument was made by the Commissioner,
 - (b) that the copy is a true copy of the instrument, and
 - (c) that on a specified date the instrument was made available to the public in accordance with this paragraph,
 is evidence (or in Scotland sufficient evidence) of the facts stated in the certificate.
 - (7) A certificate purporting to be signed as mentioned in sub-paragraph (6) is to be treated as having been properly signed unless the contrary is shown.
 - (8) A person who wishes in any legal proceedings to rely on an instrument containing the Commissioner’s rules may require him to endorse a copy of the instrument with a certificate of the kind mentioned in sub-paragraph (6).

Commencement Information

I5 Sch. 5 para. 2 wholly in force at 30.10.2000; Sch. 5 para. 2 not in force at Royal Assent see s. 170(4); Sch. 5 para. 2(1)-(4)(6)-(8) in force at 22.5.2000 by S.I. 2000/1282, art. 2, Sch.; Sch. 5 para. 2 in force so far as not already in force at 30.10.2000 by S.I. 2000/1985, art. 2, Sch.2

Code of Standards

- 3
- (1) The Commissioner must prepare and issue a code setting standards of conduct which those to whom the code applies are expected to meet.
 - (2) The code is to be known as the Code of Standards but is referred to in this Schedule as “the Code”.
 - (3) The Code is to apply to any person providing immigration advice or immigration services other than—
 - (a) a person who is authorised by a designated professional body to practise as a member of the profession whose members are regulated by that body;

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- [^{F8}(b) a person who is acting on behalf of a person who is within paragraph (a);]
(c) a person mentioned in section 84(6).
- (4) It is the duty of any person to whom the Code applies to comply with its provisions in providing immigration advice or immigration services.
- (5) If the Commissioner alters the Code, he must re-issue it.
- (6) Before issuing the Code or altering it, the Commissioner must consult—
- (a) each of the designated professional bodies;
 - (b) the designated judges;
 - (c) the Lord President of the Court of Session;
 - (d) the Lord Chief Justice of Northern Ireland; and
 - (e) such other persons appearing to him to represent the views of persons engaged in the provision of immigration advice or immigration services as he considers appropriate.
- (7) The Commissioner must publish the Code in such form and manner as the Secretary of State may direct.

Textual Amendments

F8 Sch. 5 para. 3(3)(b) substituted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), **ss. 37(5)(c)**, 48(3); [S.I. 2004/2523](#), art. 2, Sch.

Commencement Information

I6 Sch. 5 para. 3 wholly in force at 30.10.2000; Sch. 5 para. 3 not in force at Royal Assent see s. 170(4); Sch. 5 para. 3(1)-(3)(5)-(7) in force at 22.5.2000 by [S.I. 2000/1282](#), art. 2, [Sch.](#); Sch. 5 para. 3 in force so far as not already in force at 30.10.2000 by [S.I. 2000/1985](#), art. 2, [Sch](#)

Extension of scope of the Code

- 4 (1) The Secretary of State may by order provide for the provisions of the Code, or such provisions of the Code as may be specified by the order, to apply to—
- (a) persons authorised by any designated professional body to practise as a member of the profession whose members are regulated by that body; and
 - [^{F9}(b) persons acting on behalf of persons who are within paragraph (a).]
- (2) If the Secretary of State is proposing to act under sub-paragraph (1) he must, before doing so, consult—
- (a) the Commissioner;
 - (b) the Legal Services Ombudsman, if the proposed order would affect a designated professional body in England and Wales;
 - (c) the Scottish Legal Services Ombudsman, if the proposed order would affect a designated professional body in Scotland;
 - (d) the lay observers appointed under Article 42 of the ^{M2}Solicitors (Northern Ireland) Order 1976, if the proposed order would affect a designated professional body in Northern Ireland.
- (3) An order under sub-paragraph (1) requires the approval of—

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- (a) the Lord Chancellor, if it affects a designated professional body in England and Wales or Northern Ireland;
 - (b) the Scottish Ministers, if it affects a designated professional body in Scotland.
- (4) Before deciding whether or not to give his approval under sub-paragraph (3)(a), the Lord Chancellor must consult—
- (a) the designated judges, if the order affects a designated professional body in England and Wales;
 - (b) the Lord Chief Justice of Northern Ireland, if it affects a designated professional body in Northern Ireland.
- (5) Before deciding whether or not to give their approval under sub-paragraph (3)(b), the Scottish Ministers must consult the Lord President of the Court of Session.

Textual Amendments

F9 Sch. 5 para. 4(1)(b) substituted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), ss. 37\(5\)\(d\), 48\(3\); S.I. 2004/2523, art. 2, Sch.](#)

Marginal Citations

M2 [S.I. 1976/582 \(N.I. 12\).](#)

Investigation of complaints

- 5 (1) The Commissioner must establish a scheme (“the complaints scheme”) for the investigation by him of relevant complaints made to him in accordance with the provisions of the scheme.
- (2) Before establishing the scheme or altering it, the Commissioner must consult—
- (a) each of the designated professional bodies; and
 - (b) such other persons appearing to him to represent the views of persons engaged in the provision of immigration advice or immigration services as he considers appropriate.
- (3) A complaint is a relevant complaint if it relates to—
- (a) the competence or fitness of a person to provide immigration advice or immigration services,
 - (b) the competence or fitness of a person [^{F10}acting on behalf of] a person providing immigration advice or immigration services,
 - (c) an alleged breach of the Code,
 - (d) an alleged breach of one or more of the Commissioner’s rules by a person to whom they apply, or
 - [^{F11}(e) an alleged breach of a rule of a relevant regulatory body,]
- but not if it relates to a person who is excluded from the application of subsection (1) of section 84 by subsection (6) of that section.
- (4) The Commissioner may, on his own initiative, investigate any matter which he would have power to investigate on a complaint made under the complaints scheme.

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- (5) In investigating any such matter on his own initiative, the Commissioner must proceed as if his investigation were being conducted in response to a complaint made under the scheme.

Textual Amendments

- F10** Words in Sch. 5 para. 5(3)(b) substituted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), ss. 37\(5\)\(e\)](#), 48(3); S.I. 2004/2523, art. 2, Sch.
- F11** Sch. 5 para. 5(3)(e) substituted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), ss. 37\(5\)\(f\)](#), 48(3); S.I. 2004/2523, art. 2, Sch.

Commencement Information

- I7** Sch. 5 para. 5 wholly in force at 30.10.2000; Sch. 5 para. 5 not in force at Royal Assent see s. 170(4); Sch. 5 para. 5(1)-(3) in force at 22.5.2000 by [S.I. 2000/1282, art. 2, Sch.](#); Sch. 5 para. 5 in force so far as not already in force at 30.10.2000 by [S.I. 2000/1985, art. 2, Sch.](#)

- 6 (1) The complaints scheme must provide for a person who is the subject of an investigation under the scheme to be given a reasonable opportunity to make representations to the Commissioner.
- (2) Any person who is the subject of an investigation under the scheme must—
- (a) take such steps as are reasonably required to assist the Commissioner in his investigation; and
 - (b) comply with any reasonable requirement imposed on him by the Commissioner.
- (3) If a person fails to comply with sub-paragraph (2)(a) or with a requirement imposed under sub-paragraph (2)(b) the Commissioner may—
- (a) in the case of a registered person, cancel his registration;
 - (b) in the case of a person certified by the Commissioner as exempt under section 84(4)(a), withdraw his exemption; or
 - [^{F12}(c) in any other case, refer the matter to any relevant regulatory body.]

Textual Amendments

- F12** Sch. 5 para. 6(3)(c) substituted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), ss. 37\(5\)\(g\)](#), 48(3); S.I. 2004/2523, art. 2, Sch.

Commencement Information

- I8** Sch. 5 para. 6 wholly in force at 30.10.2000; Sch. 5 para. 6 not in force at Royal Assent see s. 170(4); Sch. 5 para. 6(1) in force at 22.5.2000 by [S.I. 2000/1282, art. 2, Sch.](#); Sch. 5 para. 6 in force at 30.10.2000 by [S.I. 2000/1985, art. 2, Sch.](#)

Power to enter premises

- 7 (1) This paragraph applies if—
- (a) the Commissioner is investigating a complaint under the complaints scheme;
 - (b) the complaint falls within paragraph 5(3)(a), (b) [^{F13}, (c)] or (d); and

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- (c) there are reasonable grounds for believing that particular premises are being used in connection with the provision of immigration advice or immigration services by a [^{F14}registered or exempt person.]

[^{F15}(1A) This paragraph also applies if the Commissioner is investigating a matter under paragraph 5(5) and—

- (a) the matter is of a kind described in paragraph 5(3)(a), (b)[^{F16}, (c)] or (d) (for which purpose a reference to an allegation shall be treated as a reference to a suspicion of the Commissioner), and
- (b) there are reasonable grounds for believing that particular premises are being used in connection with the provision of immigration advice or immigration services by a [^{F17}registered or exempt person.]]

(2) The Commissioner, or a member of his staff authorised in writing by him, may enter the premises at reasonable hours.

(3) Sub-paragraph (2) does not apply to premises to the extent to which they constitute a private residence.

(4) A person exercising the power given by sub-paragraph (2) (“the investigating officer”) may—

- (a) take with him such equipment as appears to him to be necessary;
- (b) require any person on the premises—
 - (i) to produce any document which he considers relates to any matter relevant to the investigation; and
 - (ii) if the document is produced, to provide an explanation of it;
- (c) require any person to state, to the best of his knowledge and belief, where any such document is to be found;
- (d) take copies of, or extracts from, any document which is produced;
- (e) require any information which is held in a computer and is accessible from the premises and which the investigating officer considers relates to any matter relevant to the investigation, to be produced in a form—
 - (i) in which it can be taken away; and
 - (ii) in which it is visible and legible.

(5) Instead of exercising the power under sub-paragraph (2), the Commissioner may require such person as he may determine (“his agent”) to make a report on the provision of immigration advice or immigration services from the premises.

(6) If the Commissioner so determines, his agent may exercise the power conferred by sub-paragraph (2) as if he were a member of the Commissioner’s staff appropriately authorised.

(7) If a registered person fails without reasonable excuse to allow access under sub-paragraph (2) or (6) to any premises under his occupation or control, the Commissioner may cancel his registration.

(8) The Commissioner may also cancel the registration of a registered person who—

- (a) without reasonable excuse fails to comply with a requirement imposed on him under sub-paragraph (4);
- (b) intentionally delays or obstructs any person exercising functions under this paragraph; or

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(c) fails to take reasonable steps to prevent an employee of his from obstructing any person exercising such functions.

[^{F18}(9) Sub-paragraphs (7) and (8) shall apply to an exempt person as they apply to a registered person, but with a reference to cancellation of registration being treated as a reference to withdrawal of exemption.

(10) In this paragraph “exempt person” means a person certified by the Commissioner as exempt under section 84(4)(a).]

Textual Amendments

- F13** Word in Sch. 5 para. 7(1)(b) inserted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), [ss. 38\(2\)\(a\)](#), 48(3); S.I. 2004/2523, art. 2, Sch.
- F14** Words in Sch. 5 para. 7(1)(c) substituted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), [ss. 38\(2\)\(b\)](#), 48(3); S.I. 2004/2523, art. 2, Sch.
- F15** Sch. 5 para. 7(1A) inserted (8.1.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [s. 140\(1\)](#) (with [s. 159](#)); S.I. 2002/2811, [art. 2](#), Sch. (with [art. 5](#))
- F16** Word in Sch. 5 para. 7(1A)(a) inserted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), [ss. 38\(2\)\(c\)](#), 48(3); S.I. 2004/2523, art. 2, Sch.
- F17** Words in Sch. 5 para. 7(1A)(b) substituted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), [ss. 38\(2\)\(d\)](#), 48(3); S.I. 2004/2523, art. 2, Sch.
- F18** Sch. 5 para. 7(9)(10) inserted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), [ss. 38\(2\)\(e\)](#), 48(3); S.I. 2004/2523, art. 2, Sch.

Determination of complaints

- 8 (1) On determining a complaint under the complaints scheme, the Commissioner must give his decision in a written statement.
- (2) The statement must include the Commissioner’s reasons for his decision.
- (3) A copy of the statement must be given by the Commissioner to—
- the person who made the complaint; and
 - the person who is the subject of the complaint.
- 9 (1) On determining a complaint under the complaints scheme, the Commissioner may—
- if the person to whom the complaint relates is a registered person [^{F19}or is acting on behalf of] a registered person, record the complaint and the decision on it for consideration when that registered person next applies for his registration to be continued;
 - if the person to whom the complaint relates is a registered person [^{F20}or is acting on behalf of] a registered person and the Commissioner considers the matter sufficiently serious to require immediate action, require that registered person to apply for continued registration without delay;
 - [^{F21}(c) refer the complaint and his decision on it to a relevant regulatory body;]
 - if the person to whom the complaint relates is certified by the Commissioner as exempt under section 84(4)(a) or is employed by, or working under the supervision of, such a person, consider whether to withdraw that person’s exemption;
 - lay before the Tribunal a disciplinary charge against a relevant person.

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- (2) Sub-paragraph (3) applies if—
- (a) the Tribunal is considering a disciplinary charge against a relevant person; and
 - (b) the Commissioner asks it to exercise its powers under that sub-paragraph.
- (3) The Tribunal may give directions (which are to have effect while it is dealing with the charge)—
- [^{F22}(a) imposing restrictions on the provision of immigration advice or immigration services by the relevant person or by a person acting on his behalf or under his supervision;]
 - [^{F22}(b) prohibiting the provision of immigration advice or immigration services by the relevant person or a person acting on his behalf or under his supervision.]
- (4) “Relevant person” means a person providing immigration advice or immigration services who is—
- (a) a registered person;
 - [^{F23}(b) a person acting on behalf of a registered person;]
 - (e) a person certified by the Commissioner as exempt under section 84(4)(a);
 - (f) a person to whom section 84(4)(d) applies; or
 - (g) a person employed by, or working under the supervision of, a person to whom paragraph (e) or (f) applies.

Textual Amendments

- F19** Words in Sch. 5 para. 9(1)(a) substituted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), ss. 37\(5\)\(h\)](#), 48(3); S.I. 2004/2523, art. 2, Sch.
- F20** Words in Sch. 5 para. 9(1)(b) substituted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), ss. 37\(5\)\(h\)](#), 48(3); S.I. 2004/2523, art. 2, Sch.
- F21** Sch. 5 para. 9(1)(c) substituted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), ss. 37\(5\)\(i\)](#), 48(3); S.I. 2004/2523, art. 2, Sch.
- F22** Sch. 5 para. 9(3)(a)(b) substituted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), ss. 37\(5\)\(j\)](#), 48(3); S.I. 2004/2523, art. 2, Sch.
- F23** Sch. 5 para. 9(4)(b) substituted for Sch. 5 para. 9(4)(b)-(d) (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), ss. 37\(5\)\(k\)](#), 48(3); S.I. 2004/2523, art. 2, Sch.

Complaints referred to designated professional bodies

- 10 (1) This paragraph applies if the Commissioner refers a complaint to a designated professional body under paragraph 9(1)(c).
- (2) The Commissioner may give directions setting a timetable to be followed by the designated professional body—
- (a) in considering the complaint; and
 - (b) if appropriate, in taking disciplinary proceedings in connection with the complaint.
- (3) In making his annual report to the Secretary of State under paragraph 21, the Commissioner must take into account any failure of a designated professional body to comply (whether wholly or in part) with directions given to it under this paragraph.

Status: Point in time view as at 01/10/2004.

Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 27 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)

- (4) Sub-paragraph (5) applies if the Commissioner or the Secretary of State considers that a designated professional body has persistently failed to comply with directions given to it under this paragraph.
- (5) The Commissioner must take the failure into account in determining whether to make a report under section 86(9)(b) and the Secretary of State must take it into account in determining whether to make an order under section 86(2).

PART II

COMMISSIONER'S STATUS, REMUNERATION AND STAFF ETC

Status

- 11 (1) The Commissioner is to be a corporation sole.
- (2) The Commissioner and the members of the Commissioner's staff are not to be regarded as the servants or agents of the Crown or as having any status, privilege or immunity of the Crown.

Period of office

- 12 (1) The Commissioner—
 - (a) is to hold office for a term of five years; but
 - (b) may resign at any time by notice in writing given to the Secretary of State.
- (2) The Secretary of State may dismiss the Commissioner—
 - (a) on the ground of incapacity or misconduct; or
 - (b) if he is satisfied—
 - (i) that he has been convicted of a criminal offence; or
 - (ii) that a bankruptcy order has been made against him, or his estate has been sequestrated, or he has made a composition or arrangement with, or granted a trust deed for, his creditors.
- (3) The Commissioner is eligible for re-appointment when his term of office ends.

Terms and conditions of appointment

- 13 Subject to the provisions of this Schedule, the Commissioner is to hold office on such terms and conditions as the Secretary of State may determine.

Remuneration, expenses and pensions

- 14 (1) There is to be paid to the Commissioner such remuneration and expenses as the Secretary of State may determine.
- (2) The Secretary of State may pay, or provide for the payment of, such pensions, allowances or gratuities to or in respect of the Commissioner as he may determine.

Status: Point in time view as at 01/10/2004.

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Compensation

- 15 If a person ceases to be the Commissioner, otherwise than when his term of office ends, and it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation, the Secretary of State may make a payment to him of such amount as the Secretary of State may determine.

Deputy Commissioner

- 16 (1) The Secretary of State must appoint a person to act as Deputy Commissioner.
- (2) During any vacancy in the office of Commissioner, or at any time when he is unable to discharge his functions, the Deputy Commissioner may act in his place.
- (3) Paragraphs 11(2) and 12 to 15 apply to the Deputy Commissioner as they apply to the Commissioner.

Staff

- 17 (1) Subject to obtaining the approval of the Secretary of State as to numbers and terms and conditions of service, the Commissioner may appoint such staff as he considers appropriate.
- (2) Subject to obtaining the approval of the Secretary of State, the Commissioner may pay, or provide for the payment of, such pensions, allowances or gratuities (including by way of compensation for loss of office or employment) to or in respect of his staff as he considers appropriate.
- (3) Any functions of the Commissioner may, to the extent authorised by him, be performed by the Deputy Commissioner or any of his staff.
- (4) The ^{M3}Employers' Liability (Compulsory Insurance) Act 1969 is not to require insurance to be effected by the Commissioner.

Marginal Citations

M3 1969 c. 57.

Expenditure

- 18 The Secretary of State may pay to the Commissioner—
- (a) any expenses incurred or to be incurred by the Commissioner in respect of his staff; and
- (b) with the approval of the Treasury, such other sums for enabling the Commissioner to perform his functions as the Secretary of State thinks fit.

Receipts

- 19 (1) Subject to any general or specific directions given to him by the Secretary of State, sums received by the Commissioner in the exercise of his functions must be paid to the Secretary of State.
- (2) Sums received by the Secretary of State under this paragraph must be paid into the Consolidated Fund.

Status: Point in time view as at 01/10/2004.

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(3) The approval of the Treasury is required for any direction given under this paragraph.

Accounts and records

- 20 (1) The Commissioner must—
- (a) keep proper accounts and proper records in relation to his accounts;
 - (b) prepare a statement of accounts for each financial year; and
 - (c) send copies of the statement to the Secretary of State and to the Comptroller and Auditor General on or before the specified date.
- (2) The statement of accounts must be in such form as the Secretary of State may, with the approval of the Treasury, direct.
- (3) The Comptroller and Auditor General must—
- (a) examine, certify and report on each statement received by him under this paragraph; and
 - (b) lay copies of each statement and of his report before each House of Parliament.
- (4) “Financial year” means the period of 12 months beginning with 1st April.
- (5) “Specified date” means—
- (a) 31st August next following the end of the year to which the statement relates; or
 - (b) such earlier date after the end of that year as the Treasury may direct.

Annual report

- 21 (1) The Commissioner must, as soon as is practicable after the end of each financial year, report to the Secretary of State on the performance of his functions in that year.
- [^{F24}(2) The report must, in particular, set out the Commissioner’s opinion as to the extent to which each designated professional body has—
- (a) provided effective regulation of its members in their provision of immigration advice or immigration services, and
 - (b) complied with requests of the Commissioner for the provision of information.]
- (3) The Secretary of State must lay a copy of the report before each House of Parliament.
- (4) “Financial year” has the same meaning as in paragraph 20.

Textual Amendments

F24 Sch. 5 para. 21(2) substituted (1.10.2004) by *Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19)*, ss. 41(6), 48(3); S.I. 2004/2523, art. 2, Sch.

Proof of instruments

- 22 A document purporting to be an instrument issued by the Commissioner and to be signed by or on behalf of the Commissioner is to be received in evidence and treated as such an instrument unless the contrary is shown.

Status: Point in time view as at 01/10/2004.

Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 27 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)

Disqualification for House of Commons

- 23 In Part III of Schedule 1 to the ^{M4}House of Commons Disqualification Act 1975 (offices disqualifying for membership), insert at the appropriate place—

“The Immigration Services Commissioner

The Deputy Immigration Services Commissioner”.

Marginal Citations

M4 1975 c. 24.

Disqualification for Northern Ireland Assembly

- 24 In Part III of Schedule 1 to the ^{M5}Northern Ireland Assembly Disqualification Act 1975 (offices disqualifying for membership), insert at the appropriate place—

“The Immigration Services Commissioner

The Deputy Immigration Services Commissioner”.

Marginal Citations

M5 1975 c. 25.

The Parliamentary Commissioner Act 1967 (c.13)

- 25 In Schedule 2 of the Parliamentary Commissioner Act 1967 (departments and authorities subject to investigation) insert, at the appropriate place, “ The Immigration Services Commissioner ”.

SCHEDULE 6

Section 85(3).

REGISTRATION

Applications for registration

- 1 (1) An application for registration under section 84(2)(a) ^{F25}... must—
- (a) be made to the Commissioner in such form and manner, and
 - (b) be accompanied by such information and supporting evidence,
- as the Commissioner may from time to time determine.
- (2) When considering an application for registration, the Commissioner may require the applicant to provide him with such further information or supporting evidence as the Commissioner may reasonably require.

Status: Point in time view as at 01/10/2004.

Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 27 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

F25 Words in Sch. 6 para. 1(1) repealed (1.10.2004) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), ss. 37(6)(a), 48(3), Sch. 4; S.I. 2004/2523, art. 2, Sch.

Registration

- 2 (1) If the Commissioner considers that an applicant for registration is competent and otherwise fit to provide immigration advice and immigration services, he must register the applicant.
- (2) Registration may be made so as to have effect—
- (a) only in relation to a specified field of advice or services;
 - (b) only in relation to the provision of advice or services to a specified category of person;
 - (c) only in relation to the provision of advice or services to a member of a specified category of person; or
 - (d) only in specified circumstances.

Review of qualifications

- 3 (1) At such intervals as the Commissioner may determine, each registered person must submit an application for his registration to be continued.
- (2) Different intervals may be fixed by the Commissioner in relation to different registered persons or descriptions of registered person.
- (3) An application for continued registration must—
- (a) be made to the Commissioner in such form and manner, and
 - (b) be accompanied by such information and supporting evidence, as the Commissioner may from time to time determine.
- (4) When considering an application for continued registration, the Commissioner may require the applicant to provide him with such further information or supporting evidence as the Commissioner may reasonably require.
- (5) If the Commissioner considers that an applicant for continued registration is no longer competent or is otherwise unfit to provide immigration advice or immigration services, he must cancel the applicant's registration.
- (6) Otherwise, the Commissioner must continue the applicant's registration but may, in doing so, vary the registration—
- (a) so as to make it have limited effect in any of the ways mentioned in paragraph 2(2); or
 - (b) so as to make it have full effect.
- (7) If a registered person fails, without reasonable excuse—
- (a) to make an application for continued registration as required by sub-paragraph (1) or by a direction given by the Tribunal under [F26 section 89(2)(b)], or
 - (b) to provide further information or evidence under sub-paragraph (4),

Status: Point in time view as at 01/10/2004.

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the Commissioner may cancel the person's registration as from such date as he may determine.

Textual Amendments

F26 Words in Sch. 6 para. 3(7)(a) substituted (1.10.2004) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), ss. 37(6)(b), 48(3); S.I. 2004/2523, art. 2, Sch.

[^{F27}Variation of registration

Textual Amendments

F27 Sch. 6 para. 3A and heading inserted (8.1.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), s. 140(2) (with s. 159); S.I. 2002/2811, art. 2, Sch. (with art. 5)

- 3A The Commissioner may vary a person's registration—
- (a) so as to make it have limited effect in any of the ways mentioned in paragraph 2(2); or
 - (b) so as to make it have full effect.]

Disqualification of certain persons

- 4 A person convicted of an offence under section 25 or 26(1)(d) or (g) of the 1971 Act is disqualified for registration under paragraph 2 or for continued registration under paragraph 3.

Fees

- 5 (1) The Secretary of State may by order specify fees for the registration or continued registration of persons on the register.
- (2) No application under paragraph 1 or 3 is to be entertained by the Commissioner unless it is accompanied by the specified fee.

Commencement Information

I9 Sch. 6 para. 5 wholly in force at 30.10.2000; Sch. 6 para. 5 not in force at Royal Assent; Sch. 6 para. 5(1) in force for certain purposes at 1.8 2000 by S.I. 2000/1985, art. 2, Sch.; Sch. 6 para. 5 in force so far as not already in force 30.10.2000 by S.I. 2000/1985, art. 2, Sch.

Open registers

- 6 (1) The register must be made available for inspection by members of the public in a legible form at reasonable hours.
- (2) A copy of the register or of any entry in the register must be provided—
- (a) on payment of a reasonable fee;
 - (b) in written or electronic form; and
 - (c) in a legible form.

Status: Point in time view as at 01/10/2004.

Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 27 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) Sub-paragraphs (1) and (2) also apply to—
- (a) the record kept by the Commissioner of the persons to whom he has issued a certificate of exemption under section 84(4)(a); and
 - (b) the record kept by the Commissioner of the persons against whom there is in force a direction given by the Tribunal under section 89(8).

SCHEDULE 7

Section 87(5).

THE IMMIGRATION SERVICES TRIBUNAL

Members

- 1 (1) The Tribunal is to consist of such number of members as the Lord Chancellor may determine.
- (2) The members are to be appointed by the Lord Chancellor.
- (3) A person may be appointed as a member only if—
- (a) he is legally qualified; or
 - (b) he appears to the Lord Chancellor to have had substantial experience in immigration services or in the law and procedure relating to immigration.

The President

- 2 The Tribunal is to have a President appointed by the Lord Chancellor from among those of its members who are legally qualified.

Terms and conditions of appointment

- 3 (1) Each member is to hold and vacate office in accordance with the terms of his appointment.
- (2) A member is eligible for re-appointment when his term of office ends.
- (3) A member may resign at any time by notice in writing given to the Lord Chancellor.
- (4) The Lord Chancellor may dismiss a member on the ground of incapacity or misconduct.

Remuneration and expenses

- 4 The Lord Chancellor may pay to any member such remuneration and expenses as he may determine.

Proceedings

- 5 The Tribunal is to sit at such times and in such places as the Lord Chancellor may direct.
- 6 (1) The Commissioner is entitled to be represented before the Tribunal, in relation to the hearing of appeals or disciplinary charges, by such persons as he may authorise.

Status: Point in time view as at 01/10/2004.

Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 27 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 Commissioner may authorise a person to represent him before the Tribunal in relation to—
- (a) specified proceedings; or
 - (b) all or specified categories of proceedings.
- (3) “Specified” means specified by the Commissioner.

Rules of procedure

- 7 (1) The Lord Chancellor may make rules as to the procedure and practice to be followed in relation to the exercise of the Tribunal’s functions.
- (2) Before making or altering any such rules, the Lord Chancellor must consult the Scottish Ministers.
- (3) Subject to the provisions of this Schedule and the rules, the Tribunal may determine its own procedure.
- (4) The rules must make provision for any person appealing to the Tribunal or otherwise subject to its jurisdiction to be entitled to be legally represented.
- (5) The rules may, in particular, make provision—
- (a) as to the mode and burden of proof and the giving and admissibility of evidence;
 - (b) for proceedings before the Tribunal to be capable of being determined in the absence of any party to the proceedings if that party has failed, without reasonable excuse, to appear before the Tribunal or has failed to comply with any reasonable directions given by the Tribunal as to the conduct of the proceedings;
 - (c) with respect to other matters preliminary or incidental to, or arising out of, any matter with respect to which the Tribunal is or may be exercising functions;
 - (d) as to the period within which an appeal against a decision of the Commissioner can be brought;
 - (e) authorising such functions of the Tribunal as may be specified in the rules to be exercised by a single member.

Suspending the effect of a relevant decision

- 8 (1) A relevant decision of the Commissioner is not to have effect while the period within which an appeal may be brought against the decision is running.
- (2) If the appellant applies to the Tribunal under this paragraph, the Tribunal may direct that while the appeal is being dealt with—
- (a) no effect is to be given to the decision appealed against; or
 - (b) only such limited effect is to be given to it as may be specified in the direction.
- (3) Rules under paragraph 7 must include provision requiring the Tribunal to consider applications by the Commissioner for the cancellation or variation of directions given under this paragraph.

Status: Point in time view as at 01/10/2004.

Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 27 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

I10 Sch. 7 para. 8 partly in force; Sch. 7 para. 8 not in force at Royal Assent; Sch. 7 para. 8(3) in force at 1.8.2000 by 2000/1985, art. 2, Sch

Staff

- 9 (1) The Lord Chancellor may appoint such staff for the Tribunal as he considers appropriate.
- (2) The Lord Chancellor may pay, or provide for the payment of, such pensions, allowances or gratuities (including by way of compensation for loss of office or employment) to or in respect of the Tribunal’s staff as he considers appropriate.

Expenditure

- 10 The Lord Chancellor may pay such other expenses of the Tribunal as he considers appropriate.

Meaning of “legally qualified”

- 11 A person is legally qualified for the purposes of this Schedule if—
- (a) he has a 7 year general qualification, within the meaning of section 71 of the ^{M6}Courts and Legal Services Act 1990;
 - (b) he is an advocate or solicitor in Scotland of at least 7 years’ standing; or
 - (c) he is a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years’ standing.

Marginal Citations

M6 1990 c. 41.

Disqualification for House of Commons

- 12 In Part I of Schedule 1 to the ^{M7}House of Commons Disqualification Act 1975 (offices disqualifying for membership), insert at the appropriate place—

“Member of the Immigration Services Tribunal.”

Marginal Citations

M7 1975 c. 24.

Disqualification for Northern Ireland Assembly

- 13 In Part I of Schedule 1 to the ^{M8}Northern Ireland Assembly Disqualification Act 1975 (offices disqualifying for membership), insert at the appropriate place—

“Member of the Immigration Services Tribunal.”

Status: Point in time view as at 01/10/2004.

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Marginal Citations

M8 1975 c. 25.

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)

- C5** 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;

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- (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.

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,

Status: Point in time view as at 01/10/2004.

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- (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;
- (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 [F28(which may, in particular, provide for an application not to be entertained where the Secretary of State is not satisfied that the information provided is complete or accurate or that the applicant is co-operating with enquiries under paragraph (d))];
 - (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.

Status: Point in time view as at 01/10/2004.

Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 27 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

F28 Words in [Sch. 8 para. 12\(c\)](#) inserted (8.12.2002) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [s. 57](#) (with [s. 159](#)); [S.I. 2002/2811](#), [art. 2](#), [Sch.](#)

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 ^{M9}Health and Personal Social Services (Northern Ireland) Order 1972 is to be treated as a local authority.

Marginal Citations

M9 [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—

Status: Point in time view as at 01/10/2004.

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- (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.

[^{F29}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

F29 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.

Status: Point in time view as at 01/10/2004.

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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.

SCHEDULE 10

Section 102(3).

ASYLUM SUPPORT ADJUDICATORS

Adjudicators

- 1 (1) The Secretary of State must—
- (a) appoint such number of adjudicators as he considers necessary;
 - (b) appoint one of the adjudicators to be the Chief Asylum Support Adjudicator; and
 - (c) appoint one of the adjudicators to be the Deputy Chief Asylum Support Adjudicator (“the Deputy”).

Status: Point in time view as at 01/10/2004.

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- (2) The adjudicators are to exercise their functions under the direction of the Chief Asylum Support Adjudicator.
- (3) The Chief Asylum Support Adjudicator is to have such other functions as the Secretary of State may from time to time direct.
- (4) During any vacancy in the office of Chief Asylum Support Adjudicator, or at any time when he is unable to discharge his functions, the Deputy may act in his place.

Terms and conditions of appointment

- 2 (1) Each adjudicator is to hold and vacate office in accordance with the terms of his appointment.
- (2) An adjudicator is eligible for re-appointment when his term of office ends.
- (3) An adjudicator may resign at any time by notice in writing given to the Secretary of State.

Remuneration, expenses and pensions

- 3 (1) The Secretary of State may pay to any adjudicator such remuneration and expenses as he may determine.
- (2) The Secretary of State may pay, or provide for the payment of, such pensions, allowances or gratuities to or in respect of any adjudicator as he may determine.

Compensation

- 4 If a person ceases to be an adjudicator, otherwise than when his term of office ends, and it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation, the Secretary of State may make a payment to him of such amount as the Secretary of State may determine.

Staff

- 5 (1) The Secretary of State may appoint such staff for the adjudicators as he considers appropriate.
- (2) The Secretary of State may pay, or provide for the payment of, such pensions, allowances or gratuities (including by way of compensation for loss of office or employment) to or in respect of the adjudicators' staff as he considers appropriate.

Expenditure

- 6 The Secretary of State may pay such other expenses of the adjudicators as he considers appropriate.

Proceedings

- 7 For the purpose of discharging their functions, adjudicators are to sit at such times and in such places as the Secretary of State may direct.

Status: Point in time view as at 01/10/2004.

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SCHEDULE 11

Section 154(7).

DETAINEE CUSTODY OFFICERS

Obtaining certificates of authorisation by false pretences

- 1 A person who, for the purpose of obtaining a certificate of authorisation for himself or for any other person—
- (a) makes a statement which he knows to be false in a material particular, or
 - (b) recklessly makes a statement which is false in a material particular,
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Powers and duties of detainee custody officers

- 2 (1) A detainee custody officer exercising custodial functions has power—
- (a) to search (in accordance with rules made by the Secretary of State) any detained person in relation to whom the officer is exercising custodial functions; and
 - (b) to search any other person who is in, or is seeking to enter, any place where any such detained person is or is to be held, and any article in the possession of such a person.
- (2) The power conferred by sub-paragraph (1)(b) does not authorise requiring a person to remove any of his clothing other than an outer coat, jacket or glove.
- (3) As respects a detained person in relation to whom he is exercising custodial functions, it is the duty of a detainee custody officer—
- (a) to prevent that person's escape from lawful custody;
 - (b) to prevent, or detect and report on, the commission or attempted commission by him of other unlawful acts;
 - (c) to ensure good order and discipline on his part; and
 - (d) to attend to his wellbeing.
- (4) The powers conferred by sub-paragraph (1), and the powers arising by virtue of sub-paragraph (3), include power to use reasonable force where necessary.

Modifications etc. (not altering text)

- C6** Sch. 11 paras. 2, 3 extended (coming into force in accordance with art. 1(2) of the extending S.I.) by [Nationality, Immigration and Asylum Act 2002 \(Juxtaposed Controls\) Order 2003 \(S.I. 2003/2818\)](#), [art. 11\(2\)](#)

Commencement Information

- I11** Sch. 11 para. 2 wholly in force at 2.4.2001; Sch. 11 para. 2 not in force at Royal Assent; Sch. 11 para. 2(1)(a) in force for certain purposes at 1.8.2000 by [S.I. 2000/1985](#), [art. 2](#), [Sch.](#); Sch. 11 para 2 in force so far as not already in force at 2.4.2001 by [S.I. 2001/239](#), [art. 2](#), [Sch.](#)

Status: Point in time view as at 01/10/2004.

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Short-term holding facilities

- 3 (1) A detainee custody officer may perform functions of a custodial nature at a short-term holding facility (whether or not he is authorised to perform custodial functions at a ^{F30}removal centre).
- (2) When doing so, he is to have the same powers and duties in relation to the facility and persons detained there as he would have if the facility were a ^{F30}removal centre].

Textual Amendments

F30 Words in Sch. 11 substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss.66\(2\)\(3\)\(k\)](#), [162\(1\)](#) (with [s. 159](#)); [S.I. 2003/1](#), [art. 2](#), [Sch.](#)

Modifications etc. (not altering text)

C6 Sch. 11 paras. 2, 3 extended (coming into force in accordance with [art. 1\(2\)](#) of the extending [S.I.](#)) by [Nationality, Immigration and Asylum Act 2002 \(Juxtaposed Controls\) Order 2003 \(S.I. 2003/2818\)](#), [art. 11\(2\)](#)

Assaulting a detainee custody officer

- 4 A person who assaults a detainee custody officer who is—
- (a) acting in accordance with escort arrangements,
 - (b) performing custodial functions, or
 - (c) performing functions of a custodial nature at a short-term holding facility,
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months or to both.

Obstructing detainee custody officers

- 5 A person who resists or wilfully obstructs a detainee custody officer who is—
- (a) acting in accordance with escort arrangements,
 - (b) performing custodial functions, or
 - (c) performing functions of a custodial nature at a short-term holding facility,
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Uniforms and badges

- 6 For the purposes of paragraphs 4 and 5, a detainee custody officer is not to be regarded as acting in accordance with escort arrangements at any time when he is not readily identifiable as such an officer (whether by means of a uniform or badge which he is wearing or otherwise).

Suspension and revocation of certificates of authorisation

- 7 (1) If it appears to the Secretary of State that a detainee custody officer is not a fit and proper person to perform escort functions or custodial functions, he may revoke that officer's certificate so far as it authorises the performance of those functions.

Status: Point in time view as at 01/10/2004.

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- (2) If it appears to the escort monitor that a detainee custody officer is not a fit and proper person to perform escort functions, he may—
- (a) refer the matter to the Secretary of State; or
 - (b) in such circumstances as may be prescribed, suspend the officer's certificate pending a decision by the Secretary of State as to whether to revoke it.
- (3) If it appears to the contract monitor for the [^{F30}removal centre] concerned that a detainee custody officer is not a fit and proper person to perform custodial functions, he may—
- (a) refer the matter to the Secretary of State; or
 - (b) in such circumstances as may be prescribed, suspend the officer's certificate pending a decision by the Secretary of State as to whether to revoke it.

Textual Amendments

F30 Words in Sch. 11 substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\), ss.66\(2\)\(3\)\(k\), 162\(1\)](#) (with s. 159); S.I. 2003/1, art. 2, Sch.

Commencement Information

I12 Sch. 11 para. 7 wholly in force at 2.4.2001; Sch. 1 para. 7 not in force at Royal Assent see s. 170(4); Sch. 1 para. 7(1) in force at 3.4.2000 by [S.I. 2000/464, art. 2, Sch.](#); Sch. 11 para. 7(2)(3) in force for certain purposes at 1.8.2000 by [S.I. 2000/1985, art. 2, Sch.](#); Sch. 11 para 7 in force so far as not already in force at 2.4.2001 by [S.I. 2001/239, art. 2, Sch.](#)

[^{F31}Prison officers and prisoner custody officers

Textual Amendments

F31 Sch. 11 para. 8 and cross-heading added (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\), ss. 65\(2\), 162\(1\)](#) (with s. 159); S.I. 2003/1, art. 2, Sch.

- 8 A reference in this Schedule to a detainee custody officer includes a reference to a prison officer or prisoner custody officer exercising custodial functions.]

SCHEDULE 12

Section 155(2).

DISCIPLINE ETC AT [^{F32}REMOVAL CENTRES]

Textual Amendments

F32 Words in Sch. 12 substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\), ss.66\(2\)\(3\)\(l\), 162\(1\)](#) (with s. 159); S.I. 2003/1, art. 2, Sch.

Measuring and photographing detained persons

- 1 (1) [^{F32}Removal centre] rules may (among other things) provide for detained persons to be measured and photographed.

Status: Point in time view as at 01/10/2004.

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- (2) The rules may, in particular, prescribe—
- (a) the time or times at which detained persons are to be measured and photographed;
 - (b) the manner and dress in which they are to be measured and photographed; and
 - (c) the numbers of copies of measurements or photographs that are to be made and the persons to whom they are to be sent.

Commencement Information

I13 Sch. 12 para. 1 wholly in force at 2.4.2001; Sch. 12 para. 1 not in force at Royal Assent; Sch. 12 para. 1 in force for certain purposes at 1.8.2000 by [S.I. 2000/1985, art. 2, Sch.](#); Sch. 12 para. 1 in force so far as not already in force at 2.4.2001 by [S.I. 2001/239, art. 2, Sch.](#)

Testing for drugs or alcohol

- 2 (1) If an authorisation is in force, a detainee custody officer may, at the centre to which the authorisation applies and in accordance with [^{F32}removal centre] rules, require a detained person who is confined in the centre to provide a sample for the purpose of ascertaining—
- (a) whether he has a drug in his body; or
 - (b) whether he has alcohol in his body.
- (2) The sample required may be one or more of the following—
- (a) a sample of urine;
 - (b) a sample of breath;
 - (c) a sample of a specified description.
- (3) Sub-paragraph (2)(c)—
- (a) applies only if the authorisation so provides; and
 - (b) does not authorise the taking of an intimate sample.
- (4) “Authorisation” means an authorisation given by the Secretary of State for the purposes of this paragraph in respect of a particular [^{F32}removal centre].
- (5) “Drug” means a drug which is a controlled drug for the purposes of the ^{M10}Misuse of Drugs Act 1971.
- (6) “Specified” means specified in the authorisation.
- (7) “Intimate sample”—
- (a) in relation to England and Wales, has the same meaning as in Part V of the ^{M11}Police and Criminal Evidence Act 1984;
 - (b) in relation to Scotland, means—
 - (i) a sample of blood, semen or any other tissue fluid, urine or pubic hair;
 - (ii) a dental impression;
 - (iii) a swab taken from a person’s body orifice other than the mouth; and
 - (c) in relation to Northern Ireland, has the same meaning as in Part VI of the ^{M12}Police and Criminal Evidence (Northern Ireland) Order 1989.

Status: Point in time view as at 01/10/2004.

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Commencement Information

I14 Sch. 12 para. 2 wholly in force at 2.4.2001; Sch. 12 para. 2 not in force at Royal Assent; Sch. 12 para. 2 in force for certain purposes at 1.8.2000 by [S.I. 2000/1985, art. 2, Sch.](#); Sch. 12 para. 2 in force so far as not already in force at 2.4.2001 by [S.I. 2001/239, art. 2, Sch.](#)

Marginal Citations

M10 1971 c. 38.

M11 1984 c. 60.

M12 [S.I. 1989/1341 \(N.I. 12\)](#).

Medical examinations

- 3 (1) This paragraph applies if—
- (a) an authorisation is in force for a [^{F32}removal centre]; and
 - (b) there are reasonable grounds for believing that a person detained in the centre is suffering from a disease which is specified in an order in force under sub-paragraph (7).
- (2) A detainee custody officer may require the detained person to submit to a medical examination at the centre.
- (3) The medical examination must be conducted in accordance with [^{F32}removal centre] rules.
- (4) A detained person who fails, without reasonable excuse, to submit to a medical examination required under this paragraph is guilty of an offence.
- (5) A person guilty of an offence under sub-paragraph (4) is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale.
- (6) “Authorisation” means an authorisation given by the manager of the [^{F32}removal centre] for the purpose of this paragraph.
- (7) The Secretary of State may by order specify any disease which he considers might, if a person detained in a [^{F32}removal centre] were to suffer from it, endanger the health of others there.

Commencement Information

I15 Sch. 12 para. 3 wholly in force at 2.4.2001; Sch. 12 para. 3 not in force at Royal Assent; Sch. 12 para. 3(7) in force for certain purposes at 1.8.2000 by [S.I. 2000/1985, art. 2, Sch.](#); Sch. 12 para. 3 in force so far as not already in force at 2.4.2001 by [S.I. 2001/239, art. 2, Sch.](#)

Assisting detained persons to escape

- 4 (1) A person who aids any detained person in escaping or attempting to escape from a [^{F32}removal centre] or short-term holding facility is guilty of an offence.
- (2) A person who, with intent to facilitate the escape of any detained person from a [^{F32}removal centre] or short-term holding facility—

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- (a) conveys any thing into the centre or facility or to a detained person,
- (b) sends any thing (by post or otherwise) into the centre or facility or to a person detained there,
- (c) places any thing anywhere outside the centre or facility with a view to its coming into the possession of a person detained there,

is guilty of an offence.

- (3) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

Alcohol

- 5 (1) A person who, contrary to [F32removal centre] rules, brings or attempts to bring any alcohol into a [F32removal centre], or to a detained person, is guilty of an offence.
- (2) A person who places alcohol anywhere outside a [F32removal centre], intending that it should come into the possession of a detained person there, is guilty of an offence.
- (3) A detainee custody officer or any other person on the staff of a [F32removal centre] who, contrary to [F32removal centre] rules, allows alcohol to be sold or used in the centre is guilty of an offence.
- (4) A person guilty of an offence under this paragraph is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 3 on the standard scale or to both.
- (5) “Alcohol” means any spirituous or fermented liquor.

Introduction of other articles

- 6 (1) A person who—
 - (a) conveys or attempts to convey any thing into or out of a [F32removal centre] or to a detained person, contrary to [F32removal centre] rules, and
 - (b) is not as a result guilty of an offence under paragraph 4 or 5,
 is guilty of an offence under this paragraph.
- (2) A person who—
 - (a) places any thing anywhere outside a [F32removal centre], intending it to come into the possession of a detained person, and
 - (b) is not as a result guilty of an offence under paragraph 4 or 5,
 is guilty of an offence under this paragraph.
- (3) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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Notice of penalties

- 7 (1) In the case of a contracted out [^{F32}removal centre], the contractor must cause a notice setting out the penalty to which a person committing an offence under paragraph 4, 5 or 6 is liable to be fixed outside the centre in a conspicuous place.
- (2) In the case of any other [^{F32}removal centre], the Secretary of State must cause such a notice to be fixed outside the centre in a conspicuous place.
- 8 (1) In the case of a contracted out short-term holding facility, the contractor must cause a notice setting out the penalty to which a person committing an offence under paragraph 4 is liable to be fixed outside the facility in a conspicuous place.
- (2) In the case of any other short-term holding facility, the Secretary of State must cause such a notice to be fixed outside the facility in a conspicuous place.

[^{F33}Prison officers and prisoner custody officers

Textual Amendments

F33 Sch. 12 para. 9 and cross-heading added (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 65\(3\), 162\(1\)](#) (with s. 159); [S.I. 2003/1](#), art. 2, Sch.

- 9 A reference in this Schedule to a detainee custody officer includes a reference to a prison officer or prisoner custody officer exercising custodial functions.]

SCHEDULE 13

Section 156(5).

ESCORT ARRANGEMENTS

Monitoring of escort arrangements

- 1 (1) Escort arrangements must include provision for the appointment of a Crown servant as escort monitor.
- (2) The escort monitor must—
- (a) keep the escort arrangements under review and report on them to the Secretary of State as required in accordance with the arrangements;
 - (b) from time to time inspect the conditions in which detained persons are transported or held in accordance with the escort arrangements;
 - (c) make recommendations to the Secretary of State, with a view to improving those conditions, whenever he considers it appropriate to do so;
 - (d) investigate, and report to the Secretary of State on, any allegation made against a detainee custody officer or prisoner custody officer in respect of any act done, or failure to act, when carrying out functions under the arrangements;
- (3) Paragraph (d) of sub-paragraph (2) does not apply in relation to—
- (a) detainee custody officers employed as part of the Secretary of State's staff; or
 - (b) an act or omission of a prisoner custody officer so far as it falls to be investigated by a prisoner escort monitor under section 81 of the ^{M13}Criminal

Status: Point in time view as at 01/10/2004.

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Justice Act 1991 or under section 103 or 119 of the ^{M14}Criminal Justice and Public Order Act 1994.

Marginal Citations

M13 1991 c. 53.

M14 1994 c. 33.

Powers and duties of detainee custody officers

- 2 (1) A detainee custody officer acting in accordance with escort arrangements has power—
- (a) to search (in accordance with rules made by the Secretary of State) any detained person for whose delivery or custody the officer is responsible in accordance with the arrangements; and
 - (b) to search any other person who is in, or is seeking to enter, any place where any such detained person is or is to be held, and any article in the possession of such a person.
- (2) The power conferred by sub-paragraph (1)(b) does not authorise requiring a person to remove any of his clothing other than an outer coat, jacket or glove.
- (3) As respects a detained person for whose delivery or custody he is responsible in accordance with escort arrangements, it is the duty of a detainee custody officer—
- (a) to prevent that person's escape from lawful custody;
 - (b) to prevent, or detect and report on, the commission or attempted commission by him of other unlawful acts;
 - (c) to ensure good order and discipline on his part; and
 - (d) to attend to his wellbeing.
- (4) The Secretary of State may make rules with respect to the performance by detainee custody officers of their duty under sub-paragraph (3)(d).
- (5) The powers conferred by sub-paragraph (1), and the powers arising by virtue of sub-paragraph (3), include power to use reasonable force where necessary.

Modifications etc. (not altering text)

C7 Sch. 13 para. 2 extended (coming into force in accordance with art. 1(2) of the extending S.I.) by [Nationality, Immigration and Asylum Act 2002 \(Juxtaposed Controls\) Order 2003 \(S.I. 2003/2818\)](#), [art. 11\(2\)](#)

Commencement Information

I16 Sch. 13 para. 2 wholly in force at 2.4.2001; Sch. 13 para. 2 not in force at Royal Assent; Sch. 13 para. 2(1)(a)(4) in force for certain purposes at 1.8.2000 by [S.I. 2000/1985](#), [art. 2](#), [Sch.](#); Sch. 13 para. 2 in force so far as not already in force at 2.4.2001 by [S.I. 2001/239](#), [art. 2](#), [Sch.](#)

Status: Point in time view as at 01/10/2004.

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Breaches of discipline

- 3 (1) Sub-paragraph (2) applies if a detained person for whose delivery or custody a person (“A”) has been responsible in accordance with escort arrangements is delivered to a [F34 removal centre].
- (2) The detained person is to be treated, for the purposes of such [F34 removal centre] rules as relate to disciplinary offences, as if he had been in the custody of the director of the [F34 removal centre] at all times while A was so responsible.
- (3) Sub-paragraph (4) applies if a detained person for whose delivery or custody a person (“B”) has been responsible in accordance with escort arrangements is delivered to a prison.
- (4) The detained person is to be treated, for the purposes of such prison rules as relate to disciplinary offences, as if he had been in the custody of the governor or controller of the prison at all times while B was so responsible.
- (5) “Director” means—
- (a) in the case of a contracted out [F34 removal centre], the person appointed by the Secretary of State in relation to the centre under section 149 or such other person as the Secretary of State may appoint for the purposes of this paragraph;
 - (b) in the case of any other [F34 removal centre], the manager of the [F34 removal centre].
- (6) This paragraph does not authorise the punishment of a detained person under [F34 removal centre] rules or prison rules in respect of any act or omission of his for which he has already been punished by a court.
- (7) “Prison rules” means—
- (a) rules made under section 47 of the M15 Prison Act 1952;
 - (b) rules made under section 19 of the M16 Prisons (Scotland) Act 1989;
 - (c) rules made under section 13 of the M17 Prison Act (Northern Ireland) 1953.

Textual Amendments

F34 Words in Sch. 13 substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), ss.66(2)(3)(m), 162(1) (with s. 159); S.I. 2003/1, art. 2, Sch.

Marginal Citations

M15 1952 c. 52.

M16 1989 c. 45.

M17 1953 c.18 (N.I.).

Status: Point in time view as at 01/10/2004.

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SCHEDULE 14

Section 169(1).

CONSEQUENTIAL AMENDMENTS

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

F35₁

Textual Amendments
F35 Sch. 14 para. 1 repealed (N.I.) (1.1.2004) by [The Marriage \(Northern Ireland\) Order 2003 \(S.I. 2003/413\)](#), art. 1(2), [Sch.](#); [S.R. 2003/466](#), art. 2(b)

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

F36₂

Textual Amendments
F36 Sch. 14 para. 2 repealed (N.I.) (1.1.2004) by [The Marriage \(Northern Ireland\) Order 2003 \(S.I. 2003/413\)](#), art. 1(2), [Sch.](#); [S.R. 2003/466](#), art. 2(b)

The Marriage Act 1949 (c. 76)

3 The Marriage Act 1949 is amended as follows.

Commencement Information
I17 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
I18 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”.

Status: Point in time view as at 01/10/2004.

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Commencement Information

I19 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

I20 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)

- 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

I21 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

I22 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”.

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Commencement Information

I23 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

I24 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 of residence within the registration district or registration districts in which notice is given;”.

Commencement Information

I25 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

I26 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

I27 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

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- (b) in subsection (5), for “one of the persons to be married” substitute “ the person by whom notice of marriage was given ”.

Commencement Information

I28 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.
- (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

I29 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.”

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Commencement Information

I30 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 ”.

Commencement Information

I31 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

I32 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

I33 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.

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- (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

I34 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”.

Commencement Information

I35 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

I36 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

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)

- 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”.

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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)

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

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)

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

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)

- 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

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)

- 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 ”.

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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)

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

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)

- 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)—
- (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

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)

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

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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)

- 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

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)

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).”

The Family Law Reform Act 1969 (c.46)

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

Status: Point in time view as at 01/10/2004.

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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)

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

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

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)

39 In section 1(1) (marriages which may be solemnised by Registrar General's licence), for "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)

40 In section 5 (caveat against issue of Registrar General's licence), omit "or licence".

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)

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

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)

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).

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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 27 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

- 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)

The Immigration Act 1971 (c. 77)

- 43 The 1971 Act is amended as follows.

Commencement Information

- I53** 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)

- 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

- I54** 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)

- 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 ”.
- 46 In section 7(1) (exemption of certain residents from deportation)—
- ^{F37}(a)
- (b) in paragraph (b), for “, (b) or (c)” substitute “or (b) or 10 of the Immigration and Asylum Act 1999”.

Textual Amendments

- F37** Sch. 14 para. 46(a) repealed (1.4.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), s. 162(1), Sch. 9 (with s. 159); S.I. 2003/754, art. 2(1), Sch. 1 (with arts. 3, 4)

Status: Point in time view as at 01/10/2004.

Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 27 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

I55 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 ”.
- 49 Omit Part II.

Commencement Information

I56 [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](#))

- 50 In section 24 (illegal entry and similar offences), omit subsections (1)(aa) and (2).
- ^{F38}51

Textual Amendments

F38 [Sch. 14 para. 51](#) repealed (1.4.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [s. 162\(1\)](#), [Sch. 9](#) (with [s. 159](#)); [S.I. 2003/754](#), [art. 2\(1\)](#), [Sch. 1](#) (with [arts. 3, 4](#))

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

Status: Point in time view as at 01/10/2004.

Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 27 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 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

I57 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)

F39 53

Textual Amendments

F39 Sch. 14 para. 53 repealed (1.4.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), s. 162(1), Sch. 9 (with s. 159); S.I. 2003/754, art. 2(1), Sch. 1 (with arts. 3, 4)

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

Status: Point in time view as at 01/10/2004.

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- (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

I58 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)

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.”

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;
 - (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

Status: Point in time view as at 01/10/2004.

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- (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.”
- 58 In Schedule 2, in paragraph 4(1) and (2) (production of information and documents in connection with examinations), after “paragraph 2” insert “, 2A ”.
- 59 In Schedule 2, for paragraph 7 substitute—
- “ 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.”
- 60 In Schedule 2, in paragraph 16 (detention of persons liable to examination), after sub-paragraph (1), insert—

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- “(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.”
- 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.”
- 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

I59 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

- 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;”.

Status: Point in time view as at 01/10/2004.

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- 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”.
- (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.”
- 65 In Schedule 2, omit paragraph 28.

Commencement Information

I60 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)

^{F40}66

Textual Amendments

F40 Sch. 14 para. 66 repealed (1.4.2003) by *Nationality, Immigration and Asylum Act 2002 (c. 41)*, s. 162(1), Sch. 9 (with s. 159); S.I. 2003/754, art. 2(1), Sch. 1 (with arts. 3, 4)

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

I61 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)

- 70 In Schedule 4 (integration of United Kingdom and Islands immigration law), for paragraph 3 (deportation) substitute—

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- “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

I62 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)

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)

C8 Sch. 14 para. 71 modified (14.2.2000) by S.I. 2000/168, art. 3

Status: Point in time view as at 01/10/2004.

Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 27 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 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)

C9 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—
- “(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.”

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 ^{M18}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) ”.

Status: Point in time view as at 01/10/2004.

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Marginal Citations

M18 1995 c. 18.

PROSPECTIVE

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

- 76 *The Magistrates’ Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))*
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.”

- 77 *The Marriage Act 1983 (c.32)*
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

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)

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

Status: Point in time view as at 01/10/2004.

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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.”

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 ^{M19}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

I64 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

M19 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.”

Status: Point in time view as at 01/10/2004.

Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 27 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 (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—

“ 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.”

The Immigration Act 1988 (c.14)

83 The Immigration Act 1988 is amended as follows.

Commencement Information

- I65** 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)
- I66** Sch. 14 para. 83 in force at 30.6.2003 for specified purposes by S.I. 2003/1469, art. 2, Sch.

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

Commencement Information

- I67** 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).

86 Omit section 9 (charges).

Commencement Information

- I68** Sch. 14 para. 86 in force at 30.6.2003 by S.I. 2003/1469, art. 2, Sch.

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—

Status: Point in time view as at 01/10/2004.

Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 27 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

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.”

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 ^{M20}Housing Act 1985.”

Marginal Citations
M20 1985 c. 68.

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

F4189

Textual Amendments
F41 Sch. 14 para. 89 repealed (19.2.2001) by 2000 c. 11, s. 128, Sch. 16 Pt. I; S.I. 2001/421, art. 2

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.
- (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 ^{M21}Immigration Act 1971.”

Status: Point in time view as at 01/10/2004.

Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 27 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)

- (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

I69 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

M21 1971 c. 77.

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)

C10 Sch. 14 para. 91 modified (14.2.2000) by S.I. 2000/168, art. 3

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).

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).

The Tribunals and Inquiries Act 1992 (c.53)

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

Commencement Information

I70 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)

Status: Point in time view as at 01/10/2004.

Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 27 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)

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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F42⁹⁶

Textual Amendments
F42 Sch. 14 para. 96 repealed (1.4.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), s. 162(1), [Sch. 9](#) (with s. 159); S.I. 2003/754, art. 2(1), Sch. 1 (with arts. 3, 4)

PROSPECTIVE

F43⁹⁷

Textual Amendments
F43 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)

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

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

F44(2)

F44(3)

(4) In Schedule 6 (retirement date for certain judicial offices), omit paragraphs 37 and 38.

Textual Amendments
F44 Sch. 14 para. 98(2)(3) repealed (1.4.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), s. 162(1), [Sch. 9](#) (with s. 159); S.I. 2003/754, art. 2(1), Sch. 1 (with arts. 3, 4)

Modifications etc. (not altering text)
C11 Sch. 14 para. 98 modified (14.2.2000) by [S.I. 2000/168](#), [art. 3](#)

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

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

Status: Point in time view as at 01/10/2004.

Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 27 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

- I71** 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).
- 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.
- 103 Omit section 7 (curtailment of leave).

Commencement Information

- I72** 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)

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

Commencement Information

- I73** 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)

- 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

- I74** 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)

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

Commencement Information

- I75** 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 01/10/2004.

Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 27 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)

PROSPECTIVE

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.

Commencement Information

I76 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).

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 1, paragraph 3 and paragraph 4(2) (which are spent as a result of this Act).

Commencement Information

I77 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)

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

Commencement Information

I78 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)".

Status: Point in time view as at 01/10/2004.

Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 27 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 Education Act 1996 (c. 56)

F45 117

Textual Amendments

F45 Sch. 14 para. 117 repealed (31.3.2003 for W., 1.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 4

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

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

Commencement Information

F19 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)

F46 119

Textual Amendments

F46 Sch. 14 para. 119 repealed (2.10.2000) by [S.I. 2000/2326](#), art. 32(4)(a) (with application as mentioned in regs. 9, 28 and 36 of the said S.I.)

F47 120

Textual Amendments

F47 Sch. 14 paras. 120-121 repealed (1.4.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), s. 162(1), [Sch. 9](#) (with s. 159); S.I. 2003/754, art. 2(1), Sch. 1 (with arts. 3, 4)

F47 121

Textual Amendments

F47 Sch. 14 paras. 120-121 repealed (1.4.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), s. 162(1), [Sch. 9](#) (with s. 159); S.I. 2003/754, art. 2(1), Sch. 1 (with arts. 3, 4)

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.”

Status: Point in time view as at 01/10/2004.

Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 27 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

I80 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](#))

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

Commencement Information

I81 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](#))

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

I82 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 01/10/2004.

Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 27 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

F48 Sch. 14 paras. 126-129 repealed (1.4.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), s. 162(1), [Sch. 9](#) (with s. 159); S.I. 2003/754, art. 2(1), Sch. 1 (with arts. 3, 4)

F48 127

Textual Amendments

F48 Sch. 14 paras. 126-129 repealed (1.4.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), s. 162(1), [Sch. 9](#) (with s. 159); S.I. 2003/754, art. 2(1), Sch. 1 (with arts. 3, 4)

F48 128

Textual Amendments

F48 Sch. 14 paras. 126-129 repealed (1.4.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), s. 162(1), [Sch. 9](#) (with s. 159); S.I. 2003/754, art. 2(1), Sch. 1 (with arts. 3, 4)

F48 129

Textual Amendments

F48 Sch. 14 paras. 126-129 repealed (1.4.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), s. 162(1), [Sch. 9](#) (with s. 159); S.I. 2003/754, art. 2(1), Sch. 1 (with arts. 3, 4)

SCHEDULE 15

Section 169(2).

TRANSITIONAL PROVISIONS AND SAVINGS

Leave to enter or remain

- 1 (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.
- (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.

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 ^{M22}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 ^{M23}Asylum and Immigration Appeals Act 1993 were a reference to section 15, and any certificate issued under that section is to be read accordingly.

Status: Point in time view as at 01/10/2004.

Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 27 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)

Marginal Citations

M22 1996 c. 49.

M23 1993 c. 23.

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 ^{M24}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

M24 1993. c. 8.

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’

Status: Point in time view as at 01/10/2004.

Changes to legislation: *Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 27 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)*

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

I83 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.

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

F49 10

Status: Point in time view as at 01/10/2004.

Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 27 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

- F49** 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)

Appeals relating to deportation orders

- 11 Section 15 of the 1971 Act, section 5 of the ^{M25}Immigration Act 1988 and the ^{M26}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

- I84** 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

- M25** [1988 c. 14](#)
M26 [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.

Commencement Information

- I85** 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 ^{M27}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;

Status: Point in time view as at 01/10/2004.

Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 27 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)

- (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

M27 1996 c. 52.

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.
 - (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.

Status: Point in time view as at 01/10/2004.

Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 27 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)

SCHEDULE 16

Section 169(3).

REPEALS

Commencement Information

- I86** 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.
- I87** Sch. 16 in force at 30.6.2003 for specified purposes by S.I. 2003/1469, art. 2, Sch.

Chapter	Short title	Extent of repeal
1949 c. 76.	The Marriage Act 1949.	<p>In section 3(1), “whether by licence or without licence”.</p> <p>Section 26(2).</p> <p>In section 27, in subsection (1) “without licence”, subsection (2), in subsection (3)(a) “in the case of a marriage intended to be solemnized without licence”, and subsection (3)(b).</p> <p>In section 27B, in subsections (4) and (6) “or licence”, and in subsection (5) “, or certificate and licence”.</p> <p>In section 28(1), “or licence”.</p> <p>In section 29, every “or licence”.</p> <p>In section 31, in subsection (1) “without licence”, and in subsection (4) “without licence”.</p> <p>Section 32.</p> <p>In section 35, in subsection (1) “, or if the marriage is to be by licence, a certificate and a licence”, in subsections (2) and (4) “or, if the marriage is to be by licence, a certificate and a licence”, and in subsections (2A) and (2B) “or, if the</p>

Status: Point in time view as at 01/10/2004.

Changes to legislation: Immigration and Asylum Act 1999 is up to date with all changes known to be in force on or before 27 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)

		marriage is to be by licence, a certificate and licence.”.
		Section 36.
		In section 37(1), “without licence”.
		In section 38(1), “without licence”.
		In section 39(1), “without licence”.
		Section 40(2).
		Section 49(c).
		In section 50, in subsection (1) “the certificate or, if notice of marriage has been given to more than one superintendent registrar”, and subsection (2).
		In section 51(1), from first “the sum” to “case,”.
		In section 75(3), in paragraph (b) “or licence”.
		In Schedule 4, in Part III, “The proviso to subsection (2) of section twenty-six”.
1969 c. 46	The Family Law Reform Act 1969.	In section 2(3), “or licence” in both cases.
1970 c. 34.	The Marriage (Registrar General’s Licence) Act 1970.	In section 5, “or licence”.
		Section 13(b).
1971 c. 77.	The Immigration Act 1971.	In section 10(1), from “and any such Order” to the end.
		Part II.
		In section 24, subsections (1) (aa) and (2).
		Section 25(3).
		In Schedule 2, in paragraph 21(4)(a) “under paragraph 2 above”, in paragraph 26(1) “and have not been given leave” and paragraph 28.

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		In Schedule 3, in paragraph 3, “in paragraph 28(2), (3) and (6) and”.
		Schedule 5.
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Schedule 1, in Part III, “Adjudicator appointed for the purposes of the Immigration Act 1971”.
1975 c. 25.	The Northern Ireland Assembly Disqualification Act 1975.	In Schedule 1, in Part III, “Adjudicator appointed for the purposes of the Immigration Act 1971”.
1987 c. 24.	The Immigration (Carriers’ Liability) Act 1987.	The whole Act.
1988 c. 14.	The Immigration Act 1988.	Section 5. Section 8. Section 9.
1990 c. 41.	The Courts and Legal Services Act 1990.	In Schedule 10, paragraph 34. In Schedule 11, in the entry relating to the Immigration Appeal Tribunal, “appointed under Schedule 5 to the Immigration Act 1971”.
1992 c. 4.	The Social Security Contributions and Benefits Act 1992.	Section 146A.
1992 c. 7.	The Social Security Contributions and Benefits (Northern Ireland) Act 1992.	Section 142A.
1993 c. 8.	The Judicial Pensions and Retirement Act 1993.	In Schedule 6, paragraphs 37 and 38.
1993 c. 23.	The Asylum and Immigration Appeals Act 1993.	Section 3. Section 4. Section 5. Section 6. Section 7. Section 8. Section 9. Section 10. Section 11.

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		Section 12.
		Schedule 1.
		Schedule 2.
1996 c. 49.	The Asylum and Immigration Act 1996.	Section 1.
		Section 2.
		Section 3.
		Section 4.
		Section 7.
		Section 9.
		Section 10.
		Section 11.
		In Schedule 2, paragraphs 1(2) and (3), 3 and 4(2).
		In Schedule 3, paragraphs 1, 2 and 5.
1996 c. 52.	The Housing Act 1996.	In section 183(2), in the definition “eligible for assistance”, “or section 186 (asylum seekers and their dependants)”.
		Section 186.
		In Schedule 16, paragraph 3.
1997 c. 68.	The Special Immigration Appeals Commission Act 1997.	Section 7(4).
		In Schedule 2, paragraph 5.

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