



# Nationality, Immigration and Asylum Act 2002

## CHAPTER 41

### NATIONALITY, IMMIGRATION AND ASYLUM ACT 2002

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*Status: Point in time view as at 28/10/2011.*

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## **SCHEDULES**

### **SCHEDULE 1 — Citizenship Ceremony, Oath and Pledge**

- 1 The following shall be substituted for section 42 of the...
- 2 The following shall be substituted for Schedule 5 to the...
- 3 Section 41 of the British Nationality Act 1981 (c. 61)...
- 4 For subsection (1)(d) substitute— (d) for the time within which...
- 5 In subsection (2)(c)— (a) for “the taking there of any...
- 6 In subsection (3)(a) for “taking of oaths of allegiance” substitute...
- 7 After subsection (3) insert— (3A) Regulations under subsection (1)(d) to...
- 8 The Secretary of State may make a payment to a...
- 9 (1) A local authority must— (a) comply with a requirement...

### **SCHEDULE 2 — Nationality: Repeal of Spent Provisions**

- 1 The following provisions of the British Nationality Act 1981 (c....
- 2 Nothing in this Schedule has any effect in relation to...

### **SCHEDULE 3 — Withholding and Withdrawal of Support**

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### *Ineligibility for support*

1 (1) A person to whom this paragraph applies shall not...

#### *Exceptions*

2 (1) Paragraph 1 does not prevent the provision of support...

3 Paragraph 1 does not prevent the exercise of a power...

#### *First class of ineligible person: refugee status abroad*

4 (1) Paragraph 1 applies to a person if he—

#### *Second class of ineligible person: citizen of other EEA State*

5 Paragraph 1 applies to a person if he—

#### *Third class of ineligible person: failed asylum-seeker*

6 (1) Paragraph 1 applies to a person if—

#### *Fourth class of ineligible person: person unlawfully in United Kingdom*

7 Paragraph 1 applies to a person if—

#### *Fifth class of ineligible person: failed asylum-seeker with family*

7A (1) Paragraph 1 applies to a person if—

#### *Travel assistance*

8 The Secretary of State may make regulations providing for arrangements...

#### *Temporary accommodation*

9 (1) The Secretary of State may make regulations providing for...

10 (1) The Secretary of State may make regulations providing for...

#### *Assistance and accommodation: general*

11 Regulations under paragraph 8, 9 or 10 may—

12 (1) Regulations may, in particular, provide that if a person...

#### *Offences*

13 (1) A person who leaves the United Kingdom in accordance...

#### *Information*

14 (1) If it appears to a local authority that paragraph...

#### *Power to amend Schedule*

15 The Secretary of State may by order amend this Schedule...

#### *Orders and regulations*

16 (1) An order or regulations under this Schedule must be...

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### *Interpretation*

- 17 (1) In this Schedule— “asylum-seeker” means a person— who is...

#### Schedule 4 — The Asylum and Immigration Tribunal

### *Membership*

- 1 The Lord Chancellor shall appoint the members of the Asylum...  
2 (1) A person is eligible for appointment as a member...  
3 (1) A member— (a) may resign by notice in writing...  
4 (1) The Lord Chancellor may by order make provision for...

### *Presidency*

- 5 (1) The Lord Chancellor shall appoint— (a) a member of...

### *Judicial Assistance*

- 5A (1) The Senior President of Tribunals, with the consent of...  
5B (1) The Senior President of Tribunals may—

### *Proceedings*

- 6 The Tribunal shall sit at times and places determined by...  
7 (1) The jurisdiction of the Tribunal shall be exercised by...  
8 (1) The Senior President of Tribunals may make arrangements for...

### *Staff*

- 9 The Lord Chancellor may appoint staff for the Tribunal.

### *Money*

- 10 The Lord Chancellor— (a) may pay remuneration and allowances to...  
11 The Lord Chancellor may pay compensation to a person who...

### *Delegation*

- 12 (1) The Lord Chief Justice of England and Wales may...

### *Training etc.*

- 13 The Senior President of Tribunals is responsible, within the resources...

### *Oaths*

- 14 (1) Sub-paragraph (2) applies to a person (“ the appointee...

#### SCHEDULE 5 —

### *Membership*

- 1 The Lord Chancellor shall appoint the members of the Tribunal...  
2 (1) A member— (a) may resign by notice in writing...

### *Presidency*

- 3 The Lord Chancellor shall appoint as President of the Tribunal...



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- 4 (1) The Lord Chancellor shall appoint one legally qualified member...

*Proceedings*

- 5 The Tribunal shall sit at times and places determined by...  
6 The Tribunal may sit in more than one division.  
7 (1) The jurisdiction of the Tribunal may be exercised by...

*Staff*

- 8 The Lord Chancellor may appoint staff for the Tribunal.

*Money*

- 9 The Lord Chancellor— (a) may pay remuneration and allowances to...  
10 The Lord Chancellor may pay compensation to a person who...

*Interpretation: legally qualified member*

- 11 (1) For the purpose of this Schedule a member of...

SCHEDULE 6 — Immigration and Asylum Appeals: Transitional Provision

*“Commencement”*

- 1 In this Schedule “commencement” means the coming into force of...

*Adjudicator*

- 2 Where a person is an adjudicator under section 57 of...

*Tribunal*

- 3 (1) Where a person is a member of the Immigration...

*Earlier appeal*

- 4 In the application of section 96— (a) a reference to...

*Saving*

- 5 (1) This Schedule is without prejudice to the power to...

SCHEDULE 7 — Immigration and Asylum Appeals: Consequential Amendments

*Immigration Act 1971 (c. 77)*

- 1 In section 33(4) of the Immigration Act 1971 (c. 77)...  
2 In paragraph 2A(9) of Schedule 2 to that Act (control...  
3 In paragraph 4(4) of that Schedule (examination and detention of...  
4 In paragraph 8(2) of that Schedule (time within which directions...  
5 In paragraph 25 of that Schedule (rules) for “section 22...  
6 In paragraph 29 of that Schedule (bail pending appeal)—  
7 In paragraph 2(2) of Schedule 3 to that Act (deportation)...  
8 For paragraph 3 of that Schedule (deportation: effect of appeal)...

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

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

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

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

...

11 .....  
 12 .....  
 13 .....  
 14 .....  
 15 .....

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

16 In Schedule 11 to the Courts and Legal Services Act...

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

17 In paragraph 22 of Schedule 1 to the Tribunals and...

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

18 In Part II of Schedule 1 to the Judicial Pensions...  
 19 In Schedule 5 to that Act (retirement provisions: the relevant...

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

20 The following shall be substituted for section 2 of the...  
 21 Section 2A of that Act (human rights) shall cease to...  
 22 Section 4 of that Act (determination of appeals) shall cease...  
 23 In section 5 of that Act (procedure)—  
 24 Section 7A of that Act (pending appeals) shall cease to...  
 25 In paragraph 5 of Schedule 1 to that Act—  
 26 Schedule 2 to that Act shall cease to have effect....

*Immigration and Asylum Act 1999 (c. 33)*

27 In section 23(1) of the Immigration and Asylum Act 1999...  
 28 In section 53(4) of that Act (bail) for “this Act”...  
 29 (1) Paragraph 9 of Schedule 4 to that Act (appeals:...

*Anti-terrorism, Crime and Security Act 2001 (c. 24)*

30 The following shall be substituted for section 27(10) of the...

*Proceeds of Crime Act 2002 (c. 29)*

31 The following shall be substituted for paragraph 4 of Schedule...  
 32 In paragraph 4 of Schedule 4 to that Act (lifestyle...  
 33 The following shall be substituted for paragraph 4 of Schedule...

SCHEDULE 8 — Carriers’ Liability

1 The Immigration and Asylum Act 1999 (c. 33) shall be...  
 2 (1) Section 32 (penalty for carrying clandestine entrant) shall be...

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- 3 After section 32 insert— Level of penalty: code of practice...
- 4 The heading of section 33 (code of practice) becomes “...
- 5 In section 33(2)(b) omit “both Houses of”.
- 6 (1) Section 34 (defence) shall be amended as follows.
- 7 (1) Section 35 (notification and objection) shall be amended as...
- 8 After section 35 insert— Appeal (1) A person may appeal to the court against a...
- 9 (1) Section 36 (detention of vehicle) shall be amended as...
- 10 After section 36 insert— Detention in default of payment (1) This section applies where a person to whom a...
- 11 (1) Section 37 (effect of detention of transporter) shall be...
- 12 Section 39(rail freight) shall cease to have effect.
- 13 For section 40 (charge in respect of passenger without proper...
- 14 Section 42(power to detain vehicle, &c. carrying person without proper...
- 15 In section 43 (interpretation) (which becomes subsection (1))—
- 16 (1) Schedule 1 (sale of transporter) shall be amended as...
- 17 (1) This paragraph applies to a code of practice which—...

#### SCHEDULE 9 — Repeals

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