



Nationality, Immigration and Asylum Act 2002

2002 CHAPTER 41

PART 5 **U.K.**

IMMIGRATION AND ASYLUM APPEALS

Procedure

106 **Rules** **U.K.**

- (1) The Lord Chancellor may make rules—
 - (a) regulating the exercise of the right of appeal under section 82, 83 or 101;
 - (b) prescribing procedure to be followed in connection with proceedings under section 82, 83, 101(1) or 103.
- (2) In particular, rules under subsection (1)—
 - (a) must entitle an appellant to be legally represented at any hearing of his appeal;
 - (b) may enable or require an appeal to be determined without a hearing;
 - (c) may enable or require an appeal to be dismissed without substantive consideration where practice or procedure has not been complied with;
 - (d) may enable or require an adjudicator or the Immigration Appeal Tribunal to treat an appeal as abandoned in specified circumstances;
 - (e) may enable or require an adjudicator or the Tribunal to determine an appeal in the absence of parties in specified circumstances;
 - (f) may enable or require an adjudicator or the Tribunal to determine an appeal by reference only to written submissions in specified circumstances;
 - (g) may make provision about the adjournment of an appeal by an adjudicator (which may include provision prohibiting an adjudicator from adjourning except in specified circumstances);

Status: Point in time view as at 01/04/2003. This version of this provision has been superseded.

Changes to legislation: Nationality, Immigration and Asylum Act 2002, Section 106 is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (h) may make provision about the treatment of adjourned appeals by an adjudicator (which may include provision requiring an adjudicator to determine an appeal within a specified period);
 - (i) may make provision about the use of electronic communication in the course of or in connection with a hearing;
 - (j) may make provision about the remittal of an appeal by the Tribunal to an adjudicator under section 102;
 - (k) may enable an adjudicator to set aside a decision of himself or another adjudicator;
 - (l) may enable the Tribunal to set aside a decision of the Tribunal;
 - (m) must make provision about the consolidation of appeals (which may, in particular, include provision for the adjournment or remission of a further appeal under section 101);
 - (n) may make provision (which may include presumptions) about service;
 - (o) may confer ancillary powers on an adjudicator or the Tribunal;
 - (p) may confer a discretion on an adjudicator or the Tribunal;
 - (q) may require an adjudicator or the Tribunal to give notice of a determination to a specified person;
 - (r) may require or enable notice of a determination to be given on behalf of an adjudicator or the Tribunal;
 - (s) may make provision about the grant of bail by an adjudicator or the Tribunal (which may, in particular, include provision which applies or is similar to any enactment).
- (3) Rules under subsection (1)—
- (a) may enable an adjudicator or the Tribunal to make an award of costs or expenses,
 - (b) may make provision (which may include provision conferring discretion on a court) for the taxation or assessment of costs or expenses,
 - (c) may make provision about interest on an award of costs or expenses (which may include provision conferring a discretion or providing for interest to be calculated in accordance with provision made by the rules),
 - (d) may enable an adjudicator or the Tribunal to disallow all or part of a representative's costs or expenses,
 - (e) may enable an adjudicator or the Tribunal to require a representative to pay specified costs or expenses, and
 - (f) shall make provision in respect of proceedings before an adjudicator or the Tribunal which has an effect similar to that of section 101(3)(d) and the Civil Procedure Rules referred to there.
- (4) A person commits an offence if without reasonable excuse he fails to comply with a requirement imposed in accordance with rules under subsection (1) to attend before an adjudicator or the Tribunal—
- (a) to give evidence, or
 - (b) to produce a document.
- (5) A person who is guilty of an offence under subsection (4) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Status: Point in time view as at 01/04/2003. This version of this provision has been superseded.

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Modifications etc. (not altering text)

C1 S. 106 extended by 1981 c. 61, s. 40A(7) (as substituted (1.4.2003) by 2002 c. 41, ss. 4(1), 162(2) (with s. 159); S.I. 2003/754, art. 2(1), Sch. 1))

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