



Asylum and Immigration (Treatment of Claimants, etc.) Act 2004

2004 CHAPTER 19

Fees

42 Amount of fees

- (1) In prescribing a fee for an application or process under a provision specified in subsection (2) the Secretary of State may, with the consent of the Treasury, prescribe an amount which is intended to—
 - (a) exceed the administrative costs of determining the application or undertaking the process, and
 - (b) reflect benefits that the Secretary of State thinks are likely to accrue to the person who makes the application, to whom the application relates or by or for whom the process is undertaken, if the application is successful or the process is completed.
- (2) Those provisions are—
 - (a) section 41(2) of the British Nationality Act 1981 (c. 61) (fees for applications, &c. under that Act),
 - (b) section 5(1)(a) and (b) of the Immigration and Asylum Act 1999 (fees for application for leave to remain, &c.), and
 - (c) sections 10 and 122 of the Nationality, Immigration and Asylum Act 2002 (c. 41) (certificate of entitlement to right of abode; and fees for work permit, &c.).
- (3) An Order in Council under section 1 of the Consular Fees Act 1980 (c. 23) (fees) which prescribes a fee in relation to an application for the issue of a certificate under section 10 of the Nationality, Immigration and Asylum Act 2002 (right of abode: certificate of entitlement) may prescribe an amount which is intended to—
 - (a) exceed the administrative costs of determining the application, and
 - (b) reflect benefits that in the opinion of Her Majesty in Council are likely to accrue to the applicant if the application is successful.

Status: Point in time view as at 01/10/2004.

Changes to legislation: Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, Cross Heading: Fees is up to date with all changes known to be in force on or before 09 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) Where an instrument prescribes a fee in reliance on this section it may include provision for the refund, where an application is unsuccessful or a process is not completed, of that part of the fee which is intended to reflect the matters specified in subsection (1)(b) or (3)(b).
- (5) Provision included by virtue of subsection (4)—
 - (a) may determine, or provide for the determination of, the amount to be refunded;
 - (b) may confer a discretion on the Secretary of State or another person (whether in relation to determining the amount of a refund or in relation to determining whether a refund should be made).
- (6) An instrument may not be made in reliance on this section unless the Secretary of State has consulted with such persons as appear to him to be appropriate.
- (7) An instrument may not be made in reliance on this section unless a draft has been laid before and approved by resolution of each House of Parliament (and any provision making the instrument subject to annulment in pursuance of a resolution of either House of Parliament shall not apply).
- (8) This section is without prejudice to the power to make an order under section 102 of the Finance (No. 2) Act 1987 (c. 51) (government fees and charges) in relation to a power under a provision specified in this section.

Commencement Information

II S. 42 in force at 1.10.2004 by [S.I. 2004/2523](#), [art. 2](#), [Sch.](#)

43 Transfer of leave stamps

- (1) Section 5 of the Immigration and Asylum Act 1999 (c. 33) (charges) shall be amended as follows.
- (2) For subsection (1)(c) (transfer of indefinite leave stamp to new document) substitute—
 - “(c) the fixing of a limited leave stamp or indefinite leave stamp on a passport or other document issued to the applicant where the stamp was previously fixed on another passport or document issued to the applicant.”
- (3) For subsection (5) substitute—
 - “(5) In this section—
 - (a) “limited leave stamp” means a stamp, sticker or other attachment which indicates that a person has been granted limited leave to enter or remain in the United Kingdom, and
 - (b) “indefinite leave stamp” means a stamp, sticker or other attachment which indicates that a person has been granted indefinite leave to enter or remain in the United Kingdom.”

Commencement Information

I2 S. 43 in force at 1.10.2004 by [S.I. 2004/2523](#), [art. 2](#), [Sch.](#)

Status:

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

Changes to legislation:

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