

Status: Point in time view as at 21/01/2011.

Changes to legislation: Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, SCHEDULE 2 is up to date with all changes known to be in force on or before 31 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 26

ASYLUM AND IMMIGRATION TRIBUNAL: CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISION

PART 1

CONSEQUENTIAL AMENDMENTS

Immigration Act 1971 (c. 77)

- 1 (1) Schedule 2 to the Immigration Act 1971 (control on entry) shall be amended as follows.
- ^{F1}(2)
- (3) In paragraph 24(3) for “An adjudicator, justice of the peace or sheriff before whom a person is brought by virtue of sub-paragraph (2)(a) above” substitute “ Where a person is brought before the Asylum and Immigration Tribunal, a justice of the peace or the sheriff by virtue of sub-paragraph (2)(a), the Tribunal, justice of the peace or sheriff ”.
- (4) In paragraph 29—
- ^{F2}(a)
- (b) in sub-paragraph (3)—
- ^{F3}(i)
- (ii) for “that or any other adjudicator” substitute “ the Tribunal ”,
- (iii) omit the words from “and where an adjudicator dismisses” to the end,
- (c) omit sub-paragraph (4), and
- (d) in sub-paragraph (6)—
- ^{F4}(i)
- (ii) for “the adjudicator or Tribunal” substitute “ the Tribunal ”, and
- (iii) for “the adjudicator or the Tribunal” substitute “ the Tribunal ”.
- (5) In paragraphs 30, 31, 32 and 33—
- (a) for “an adjudicator and the Tribunal” substitute “ the Tribunal ”,
- (b) for “an adjudicator or the Tribunal” substitute “ the Tribunal ”,
- (c) for “the adjudicator or the Tribunal, as the case may be” substitute “ the Tribunal ”,
- (d) for “the adjudicator or Tribunal” substitute “ the Tribunal ”,
- (e) for “the adjudicator or the Tribunal” substitute “ the Tribunal ”,
- (f) for “an adjudicator or Tribunal” substitute “ the Tribunal ”, and

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- (g) for “before an adjudicator or before the Tribunal” substitute “ before the Tribunal ”.
- (6) In paragraph 33—
 - (a) in sub-paragraph (2)(a) for “before an adjudicator” substitute “ before the Tribunal ”,
 - (b) in sub-paragraph (2)(b) for “before that adjudicator or before the Tribunal, as the case may be” substitute “ before it ”, and
 - (c) in sub-paragraph (3) for “An adjudicator, justice of the peace or sheriff before whom a person is brought by virtue of sub-paragraph (2)(a) above” substitute “ Where a person is brought before the Asylum and Immigration Tribunal, a justice of the peace or the sheriff by virtue of sub-paragraph (2)(a), the Tribunal, justice of the peace or sheriff ”.

Textual Amendments

F1 Sch. 2 para. 1(2) repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 3** (with Sch. 4)

F2 Sch. 2 para. 1(4)(a) repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 3** (with Sch. 4)

F3 Sch. 2 para. 1(4)(b)(i) repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 3** (with Sch. 4)

F4 Sch. 2 para. 1(4)(d)(i) repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 3** (with Sch. 4)

Commencement Information

I1 Sch. 2 para. 1 in force at 4.4.2005 by [S.I. 2005/565](#), **art. 2(d)** (with arts. 3-9)

House of Commons Disqualification Act 1975 (c. 24)

- 2 (1) Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices) shall be amended as follows.
 - ^{F5}(2)
 - (3) In Part III omit the entry relating to immigration adjudicators.

Textual Amendments

F5 Sch. 2 para. 2(2) repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 3** (with Sch. 4)

Commencement Information

I2 Sch. 2 para. 2 in force at 4.4.2005 by [S.I. 2005/565](#), **art. 2(d)** (with arts. 3-9)

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 3 (1) Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (disqualifying offices) shall be amended as follows.
 - ^{F6}(2)

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(3) In Part III omit the entry relating to immigration adjudicators.

Textual Amendments

F6 Sch. 2 para. 3(2) repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, [Sch. 3](#) (with Sch. 4)

Commencement Information

I3 Sch. 2 para. 3 in force at 4.4.2005 by [S.I. 2005/565](#), [art. 2\(d\)](#) (with [arts. 3-9](#))

British Nationality Act 1981 (c. 61)

4 In section 40A of the British Nationality Act 1981 (deprivation of citizenship: appeal)—

^{F7}(a)

(b) for subsections (3) to (5) substitute—

“(3) The following provisions of the Nationality, Immigration and Asylum Act 2002 (c. 41) shall apply in relation to an appeal under this section as they apply in relation to an appeal under section 82 or 83 of that Act—

(a) section 87 (successful appeal: direction) (for which purpose a direction may, in particular, provide for an order under section 40 above to be treated as having had no effect),

(b) sections 103A to 103E (review and appeal),

(c) section 106 (rules), and

(d) section 107 (practice directions).”, and

(c) omit subsections (6) to (8).

Textual Amendments

F7 Sch. 2 para. 4(a) repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, [Sch. 3](#) (with Sch. 4)

Commencement Information

I4 Sch. 2 para. 4 in force at 4.4.2005 by [S.I. 2005/565](#), [art. 2\(d\)](#) (with [arts. 3-9](#))

Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I. 8))

5 (1) For paragraph 6A of Part 1 of Schedule 1 to the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (proceedings for which legal aid may be given under Part II of that Order) substitute—

“6A Proceedings before the Asylum and Immigration Tribunal or the Special Immigration Appeals Commission.”

(2) The amendment made by sub-paragraph (1) is without prejudice to any power to amend or revoke the provision inserted by that sub-paragraph.

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Commencement Information

I5 Sch. 2 para. 5 in force at 4.4.2005 by S.I. 2005/565, art. 2(d) (with arts. 3-9)

Courts and Legal Services Act 1990 (c. 41)

^{F8}6

Textual Amendments

F8 Sch. 2 para. 6 repealed (15.2.2010) by The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21), art. 1, Sch. 3 (with Sch. 4)

Tribunals and Inquiries Act 1992 (c. 53)

- 7 (1) The Tribunals and Inquiries Act 1992 shall be amended as follows.
- (2) In section 7 (dismissal) omit subsection (3).

^{F9}(3)

Textual Amendments

F9 Sch. 2 para. 7(3) repealed (15.2.2010) by The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21), art. 1, Sch. 3 (with Sch. 4)

Commencement Information

I6 Sch. 2 para. 7 in force at 4.4.2005 by S.I. 2005/565, art. 2(d) (with arts. 3-9)

Judicial Pensions and Retirement Act 1993 (c. 8)

^{F10}8

Textual Amendments

F10 Sch. 2 para. 8 repealed (15.2.2010) by The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21), art. 1, Sch. 3 (with Sch. 4)

Asylum and Immigration Appeals Act 1993 (c. 23)

- 9 Section 9A of the Asylum and Immigration Appeals Act 1993 (bail) shall cease to have effect.

Commencement Information

I7 Sch. 2 para. 9 in force at 4.4.2005 by S.I. 2005/565, art. 2(d) (with arts. 3-9)

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Special Immigration Appeals Commission Act 1997 (c. 68)

10 The Special Immigration Appeals Commission Act 1997 shall be amended as follows.

Commencement Information

I8 Sch. 2 para. 10 in force at 4.4.2005 by S.I. 2005/565, art. 2(d) (with arts. 3-9)

11 At the end of section 2B (deprivation of citizenship) insert “ (and section 40A(3) (a) shall have effect in relation to appeals under this section). ”

Commencement Information

I9 Sch. 2 para. 11 in force at 4.4.2005 by S.I. 2005/565, art. 2(d) (with arts. 3-9)

12 (1) In Schedule 1 (constitution, &c.) for paragraph 5(b) substitute—
“(b) at least one is or has been a legally qualified member of the Asylum and Immigration Tribunal.”

(2) A person is qualified for the purposes of paragraph 5(b) of that Schedule as it has effect after the commencement of sub-paragraph (1) above if he is qualified for the purposes of paragraph 5(b) as it had effect at any time since its commencement.

Commencement Information

I10 Sch. 2 para. 12 in force at 4.4.2005 by S.I. 2005/565, art. 2(d) (with arts. 3-9)

13 (1) Schedule 3 (bail) shall be amended as follows.

(2) In paragraph 1(2) for “ “adjudicator” ” substitute

^{F11}(3)

^{F11}(4)

^{F11}(5)

^{F11}(6)

^{F11}(7)

^{F11}(8)

^{F11}(9)

(10) In paragraph 6(2)(a) for “ “an adjudicator or the Tribunal” ” substitute

(11) In paragraph 6(2)(b) for “ “the adjudicator or the Tribunal, as the case may be,” ” substitute

(12) In paragraph 6(2)(c) for “ “the adjudicator or Tribunal” ” substitute

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(13) In paragraph 6(3)(a) for “ “an adjudicator or the Tribunal”” substitute

(14) In paragraph 6(3)(b) for “ “the adjudicator or Tribunal”” substitute

(15) In paragraph 7(a) for “ “an adjudicator or the Tribunal”” substitute

(16) In paragraph 7(b) for “ “the adjudicator or Tribunal”” substitute

(17) In paragraph 7(c) for “ “the adjudicator or the Tribunal”” substitute

.....

Textual Amendments

F11 Sch. 2 para. 13(3)-(9) repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 3** (with Sch. 4)

.....

Commencement Information

I11 Sch. 2 para. 13 in force at 4.4.2005 by [S.I. 2005/565](#), **art. 2(d)** (with arts. 3-9)

Access to Justice Act 1999 (c. 22)

^{F12}14

.....

Textual Amendments

F12 Sch. 2 para. 14 repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 3** (with Sch. 4)

Immigration and Asylum Act 1999 (c. 33)

^{F13}15

.....

Textual Amendments

F13 Sch. 2 para. 15 repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 3** (with Sch. 4)

Nationality, Immigration and Asylum Act 2002 (c. 41)

16 The Nationality, Immigration and Asylum Act 2002 shall be amended as follows.

.....

Commencement Information

I12 Sch. 2 para. 16 in force at 4.4.2005 by [S.I. 2005/565](#), **art. 2(d)** (with arts. 3-9)

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17 In section 72(10)(serious criminal) omit “adjudicator.”

Commencement Information

I13 Sch. 2 para. 17 in force at 4.4.2005 by S.I. 2005/565, art. 2(d) (with arts. 3-9)

- 18 (1) In the provisions listed in sub-paragraph (2)—
- (a) for “an adjudicator” substitute “ the Tribunal ”,
 - (b) for “the adjudicator” substitute “ the Tribunal ”,
 - (c) for “he” in relation to an adjudicator substitute “ it ”,
 - (d) for “him” in relation to an adjudicator substitute “ it ”, and
 - (e) for “his” in relation to an adjudicator substitute “ its ”.
- (2) The provisions are—
- (a) section 85 (matters to be considered),
 - (b) section 86 (determination of appeal), and
 - (c) section 87 (successful appeal: direction).

Commencement Information

I14 Sch. 2 para. 18 in force at 4.4.2005 by S.I. 2005/565, art. 2(d) (with arts. 3-9)

- 19 In section 87—
- ^{F14}(a)
 - (b) in subsection (4) for “as part of the determination of the appeal for the purposes of section 101” substitute “ as part of the Tribunal’s decision on the appeal for the purposes of section 103A ”.

Textual Amendments

F14 Sch. 2 para. 19(a) repealed (15.2.2010) by The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21), art. 1, Sch. 3 (with Sch. 4)

Commencement Information

I15 Sch. 2 para. 19 in force at 4.4.2005 by S.I. 2005/565, art. 2(d) (with arts. 3-9)

- 20 In section 104 (pending appeal)—
- ^{F15}(a)
 - (b) omit subsection (3)(remittal to adjudicator).

Textual Amendments

F15 Sch. 2 para. 20(a) repealed (15.2.2010) by The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21), art. 1, Sch. 3 (with Sch. 4)

Commencement Information

I16 Sch. 2 para. 20 in force at 4.4.2005 by S.I. 2005/565, art. 2(d) (with arts. 3-9)

^{F16}21

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Textual Amendments

F16 Sch. 2 para. 21 repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, [Sch. 3](#) (with Sch. 4)

- 22 (1) In section 107 (practice directions)—
- ^{F17}(a)
 - (b) omit subsection (2), and
 - ^{F18}(c)
- ^{F19}(2)

Textual Amendments

- F17** Sch. 2 para. 22(1)(a) repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, [Sch. 3](#) (with Sch. 4)
- F18** Sch. 2 para. 22(1)(c) repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, [Sch. 3](#) (with Sch. 4)
- F19** Sch. 2 para. 22(2) repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, [Sch. 3](#) (with Sch. 4)

Commencement Information

I17 Sch. 2 para. 22 in force at 4.4.2005 by [S.I. 2005/565](#), [art. 2\(d\)](#) (with arts. 3-9)

- 23 In section 108 (forged document: proceedings in private)—
- (a) in subsection (1)(a) for “, 83 or 101” substitute “ or 83 ”, and
 - (b) in subsection (2) for “The adjudicator or the Immigration Appeal Tribunal” substitute “ The Tribunal ”.

Commencement Information

I18 Sch. 2 para. 23 in force at 4.4.2005 by [S.I. 2005/565](#), [art. 2\(d\)](#) (with arts. 3-9)

^{F20}24

Textual Amendments

F20 Sch. 2 para. 24 repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, [Sch. 3](#) (with Sch. 4)

Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10))

- 25 (1) For paragraph 2(i) of Schedule 2 to the Access to Justice (Northern Ireland) Order 2003 (civil legal services: excluded services) substitute—
- “(i) proceedings before the Asylum and Immigration Tribunal or the Special Immigration Appeals Commission.”.
- (2) The amendment made by sub-paragraph (1) is without prejudice to any power to amend or revoke the provision inserted by that sub-paragraph.

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Commencement Information

I19 Sch. 2 para. 25 in force at 4.4.2005 by S.I. 2005/565, art. 2(d) (with arts. 3-9)

PART 2

TRANSITIONAL PROVISION

26 In this Part “commencement” means the coming into force of section 26.

Commencement Information

I20 Sch. 2 para. 26 in force at 4.4.2005 by S.I. 2005/565, art. 2(d) (with arts. 3-9)

27 A person who immediately before commencement is, or is to be treated as, an adjudicator appointed under section 81 of the Nationality, Immigration and Asylum Act 2002 (c. 41) (appeals) (as it has effect before commencement) shall be treated as having been appointed as a member of the Asylum and Immigration Tribunal under paragraph 1 of Schedule 4 to that Act (as it has effect after commencement) immediately after commencement.

Commencement Information

I21 Sch. 2 para. 27 in force at 4.4.2005 by S.I. 2005/565, art. 2(d) (with arts. 3-9)

28 Where immediately before commencement a person is a member of the Immigration Appeal Tribunal—

- (a) he shall be treated as having been appointed as a member of the Asylum and Immigration Tribunal under paragraph 1 of Schedule 4 to that Act immediately after commencement, and
- (b) if he was a legally qualified member of the Immigration Appeal Tribunal (within the meaning of Schedule 5 to that Act) he shall be treated as having been appointed as a legally qualified member of the Asylum and Immigration Tribunal.

Commencement Information

I22 Sch. 2 para. 28 in force at 4.4.2005 by S.I. 2005/565, art. 2(d) (with arts. 3-9)

29 A person who immediately before commencement is a member of staff of adjudicators appointed or treated as appointed under section 81 of the Nationality, Immigration and Asylum Act 2002 (c. 41) or of the Immigration Appeal Tribunal shall be treated as having been appointed as a member of the staff of the Asylum and Immigration Tribunal under paragraph 9 of Schedule 4 to the Nationality, Immigration and Asylum Act 2002 immediately after commencement.

Commencement Information

I23 Sch. 2 para. 29 in force at 4.4.2005 by S.I. 2005/565, art. 2(d) (with arts. 3-9)

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F21 30

Textual Amendments

F21 Sch. 2 para. 30 repealed (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 3** (with Sch. 4)

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