
STATUTORY INSTRUMENTS

1996 No. 2070

The Asylum Appeals (Procedure) Rules 1996

PART V

GENERAL PROCEDURE

Burden of proof

31.—(1) If in any proceedings before the appellate authority a party asserts that a decision or action taken against him under any statutory provision ought not to have been taken on the grounds that he is not a person to whom the provision applies, it shall lie on him to prove that he is not such a person.

(2) If in any proceedings before the appellate authority a party asserts any fact of such a kind that, if the assertion were made to the Secretary of State or any officer for the purposes of any statutory provisions or any immigration rules, it would by virtue of those provisions or rules be for him to satisfy the Secretary of State or officer of the truth thereof, it shall lie on that party to prove that the assertion is true.

(3) In this rule “statutory provision” means any provision contained in

- (a) the 1971 Act, the 1993 Act or the 1996 Act, or
- (b) any instrument made under those Acts,

and, in paragraph (2), “immigration rules” means the rules for the time being laid down as mentioned in section 3(2) of the 1971 Act.