

2001 No. 868

IMMIGRATION

**The Immigration and Asylum Appeals (Notices)
(Amendment) Regulations 2001**

Made - - - - - 8th March 2001

Laid before Parliament 12th March 2001

Coming into force - - 2nd April 2001

The Secretary of State, in exercise of the powers conferred upon him by section 166(3) of the Immigration and Asylum Act 1999(a), and by paragraph 1 of Schedule 4 to that Act(b), hereby makes the following Regulations:

1. These Regulations may be cited as the Immigration and Asylum Appeals (Notices) (Amendment) Regulations 2001 and shall come into force on 2nd April 2001.

2.—(1) The Immigration and Asylum Appeals (Notices) Regulations 2000(c) are amended as follows.

(2) In regulation 4(4), after “acted in breach of his human rights”, there is inserted “or racially discriminated against him”.

(3) After regulation 7, there is inserted—

“8. Where a notice required to be given by regulation 4 is sent by postal service under regulation 7(c) to a place outside the United Kingdom, it shall, unless the contrary is proved, be deemed to have been received on the twenty-eighth day after the day on which it was posted.”.

Home Office
8th March 2001

Barbara Roche
Minister of State

(a) 1999 c. 33.

(b) As extended by paragraph 6 of Schedule 2 to the Special Immigration Appeals Commission Act 1997 (c. 68).

(c) S.I. 2000/2246.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Immigration and Asylum Appeals (Notices) Regulations 2000 in two respects.

First, regulation 4(4) is amended to provide that a notice must be served where a person makes an allegation that an authority racially discriminated against him in taking a decision. This is necessary because of amendments to section 65 of the Immigration and Asylum Act 1999 and section 2A of the Special Immigration Appeals Commission Act 1997 by the Race Relations (Amendment) Act 2000. These amendments give a right of appeal to a person who alleges that an authority has, in taking any decision under the Immigration Acts relating to that person's entitlement to enter or remain in the United Kingdom, racially discriminated against him.

Secondly, a new regulation 8 is inserted. This provides that where a notice is sent outside the United Kingdom, it shall be deemed to have been received 28 days after the day it was posted.

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