

2002 No. 2731

IMMIGRATION

The Immigration and Asylum Appeals (One-Stop Procedure) (Amendment) Regulations 2002

Made - - - - - *6th November 2002*
Laid before Parliament *7th November 2002*
Coming into force - - *8th November 2002*

The Secretary of State, in exercise of the powers conferred upon him by sections 75 and 166(3) of the Immigration and Asylum Act 1999(a), having regard to the definition of “prescribed” in section 167(1) of that Act, hereby makes the following Regulations:

1. These Regulations may be cited as the Immigration and Asylum Appeals (One-Stop Procedure) (Amendment) Regulations 2002 and shall come into force on 8th November 2002.

2.—(1) Regulation 4 of the Immigration and Asylum Appeals (One-Stop Procedure) Regulations 2000(b) is amended as follows.

(2) In regulation 4(4), for “, the period of ten days is prescribed” there is substituted—
“—

(a) the period of three days is prescribed, where the applicant is detained under the Immigration Act 1971(c) and is entitled to reside in one or more of the following States:

- (i) the Republic of Cyprus;
- (ii) the Czech Republic;
- (iii) the Republic of Estonia;
- (iv) the Republic of Hungary;
- (v) the Republic of Latvia;
- (vi) the Republic of Lithuania;
- (vii) the Republic of Malta;
- (viii) the Republic of Poland;
- (ix) the Slovak Republic; or
- (x) the Republic of Slovenia; and

(b) the period of ten days is prescribed in any other case.”.

(3) In regulation 4(6), after “notice” there is inserted “except that where regulation 4(4)(a) applies the statement must be served by hand”.

3.—(1) Part II of the Schedule to the Immigration and Asylum Appeals (One-Stop Procedure) Regulations 2000 is amended as follows.

(2) For the words in the box “**10 working days of receipt by you or your representative**” there is substituted—

(a) 1999 c. 33.
(b) S.I. 2000/2244 amended by S.I. 2001/867.
(c) 1971 c. 77.

“3 working days of receipt by you or your representative if you are detained under the Immigration Act 1971 and you are entitled to reside in any of the following States:

**the Republic of Cyprus
the Czech Republic
the Republic of Estonia
the Republic of Hungary
the Republic of Latvia
the Republic of Lithuania
the Republic of Malta
the Republic of Poland
the Slovak Republic
the Republic of Slovenia**

The STATEMENT OF ADDITIONAL GROUNDS should be completed and returned to arrive within 10 working days of receipt by you or your representative in all other cases.”.

(3) Under the heading “Your statement”, for the words from “10 working days” to “10 days” there is substituted—

“the time limit that applies in your case. Saturdays, Sundays, bank and public holidays are not included when counting the days to complete and return the statement.”.

(4) Immediately beneath the heading “Service of statement of additional grounds” there is inserted—

“Where you have 3 working days to complete and return the statement, the statement must be served by hand on the person who has custody of you.

Where you have 10 working days to complete and return the statement,”.

Home Office
6th November 2002.

Beverley Hughes
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Immigration and Asylum Appeals (One-Stop Procedure) Regulations 2000 include provision on the time limits for return of the statement of additional grounds in response to a notice issued under sections 74 and 75 of the Immigration and Asylum Act 1999. These Regulations amend the time limit in respect of those cases in which a one-stop notice has been issued under section 75 by introducing a three-day time limit where the applicant is detained under the Immigration Act 1971 and is entitled to reside in any of the States listed. The service provisions are amended so that in such cases the statement may only be served by hand. The section 75 One-Stop Notice set out at Part II of the Schedule to those Regulations is also amended to reflect these changes.

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