
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes consequential and incidental provision in relation to previous statutes affected by the coming into force of various provisions of the 2002 Act.

Paragraph 11 of the Schedule amends section 12 of the Immigration and Asylum Act 1999 (“the 1999 Act”) so as to reflect its legal effect within the new appeals framework at Part 5 of the Nationality, Immigration and Asylum Act 2002 (“the 2002 Act”), which also includes new provision on certification of clearly unfounded claims by the Secretary of State at section 93(2)(b). This replaces the certification provision at section 73(2)(a) of the 1999 Act, which ceases to have effect on the date when Part 5 comes into force, which is also the commencement date for this paragraph.

Paragraphs 2, 3, 4, 8 and 9 of the Schedule make consequential amendments reflecting nationality provisions at Part 1 of the 2002 Act. Amendments to nationality legislation are made by paragraph 3 and sub-paragraphs (b) and (c) of each of paragraphs 4, 8 and 9 to refer to the new provisions on registration and naturalisation at section 3 of and Schedule 1 to the 2002 Act, and by paragraphs 4(a), 8(a) and 9(a) to refer to amendments to the deprivation of citizenship provisions in the British Nationality Act 1981 (c. 61) (effected by section 4 of the 2002 Act). Paragraph 2 amends the Race Relations Act 1976 to reflect an identical amendment (already in force) by virtue of section 6(2) of the 2002 Act. Paragraph 8(d) removes the reference to the repealed section 44(2) of the British Nationality Act 1981 (effected by section 7(1) of the 2002 Act) from the Hong Kong (War Wives and Widows) Act 1996.

The remaining paragraphs make other miscellaneous amendments relating to definitions and other provisions affected by the 2002 Act.