

2005 No. 227

IMMIGRATION

**The Asylum and Immigration Tribunal (Judicial Titles) Order
2005**

<i>Made</i> - - - -	<i>7th February 2005</i>
<i>Laid before Parliament</i>	<i>8th February 2005</i>
<i>Coming into force</i> - -	<i>4th April 2005</i>

The Lord Chancellor, in exercise of the powers conferred upon him by sections 81(2) and 112(7) of, and paragraph 4 of Schedule 4 to, the Nationality, Immigration and Asylum Act 2002(a) hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Asylum and Immigration Tribunal (Judicial Titles) Order 2005 and shall come into force on 4th April 2005.

Interpretation

2. In this Order—

“the 2002 Act” means the Nationality, Immigration and Asylum Act 2002(b);

“the Tribunal” means the Asylum and Immigration Tribunal established by section 81(1) of the 2002 Act;

“legally qualified member of the Tribunal” has the meaning given in paragraph 2(2) of Schedule 4 to the 2002 Act;

“President” and “Deputy President” mean the members of the Tribunal appointed as President of the Tribunal and Deputy President in accordance with paragraph 5(1) of Schedule 4 to the 2002 Act.

Titles of members of the Asylum and Immigration Tribunal

3.—(1) The titles of legally qualified members of the Tribunal shall be—

- (a) Senior Immigration Judge;
- (b) Designated Immigration Judge; and
- (c) Immigration Judge.

(2) Every legally qualified member of the Tribunal shall have the title Immigration Judge.

(a) 2002 c. 41; section 81 and Schedule 4 were amended, and section 112(7) was inserted, by the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), section 26, Schedule 1 and paragraph 24(3) of Schedule 2.
(b) 2002 c. 41.

(3) The titles Senior Immigration Judge and Designated Immigration Judge shall apply to such Immigration Judges as are specified by the Lord Chancellor.

(4) The Lord Chancellor may specify that an Immigration Judge is to have the title Senior Immigration Judge or Designated Immigration Judge—

- (a) on appointing him as a member of the Tribunal; or
- (b) at any time while he holds office.

President and Deputy President to be regarded as Senior Immigration Judges

4. Unless the context requires otherwise—

- (a) a reference in any enactment, instrument or other document to a Senior Immigration Judge shall include the President and each Deputy President; and
- (b) the President and each Deputy President may exercise any function or jurisdiction which is exercisable by a Senior Immigration Judge.

Date 7th February 2005

Falconer of Thoroton, C

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the titles of legally qualified members of the Asylum and Immigration Tribunal (“AIT”). The AIT is created under section 81 of and Schedule 4 to the Nationality, Immigration and Asylum Act 2002, as substituted by section 26(1) of and Schedule 1 to the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. It replaces the Immigration Appellate Authority (adjudicators and the Immigration Appeal Tribunal).

Article 3 of the Order provides that all legally qualified members of the AIT shall be known as Immigration Judges. In addition, the Lord Chancellor may appoint legally qualified members as Senior Immigration Judges or Designated Immigration Judges.

The President of the AIT may allocate cases to specified classes of AIT member under Schedule 4 to the 2002 Act. The Asylum and Immigration Tribunal (Procedure) Rules 2005 also provide that applications for permission to appeal from the AIT to the Court of Appeal or Court of Session must be determined by a Senior Immigration Judge.

Article 4 provides that the President and Deputy President of the AIT shall be regarded as Senior Immigration Judges unless the context requires otherwise.

STATUTORY INSTRUMENTS

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£3.00

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Stationery Office and Queen's Printer of Acts of Parliament.

E0173 2/2005 150173T 19585

ISBN 0-11-052237-0



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