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STATUTORY INSTRUMENTS

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**2005 No. 565**

**The Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (Commencement No. 5 and Transitional Provisions) Order 2005**

**Transitional provisions: general**

6.—(1) Where an application for permission to appeal to the Immigration Appeal Tribunal against an adjudicator's decision is pending immediately before commencement, it shall be treated after commencement as an application under section 103A(1) (subject to paragraph (4) and to article 9(4) below) for an order requiring the Asylum and Immigration Tribunal to reconsider the adjudicator's decision on the appeal.

(2) Where—

- (a) an adjudicator has determined an appeal; and
- (b) no application for permission to appeal to the Immigration Appeal Tribunal is pending immediately before commencement,

a party to the appeal may after commencement apply under section 103A(1) (as modified by paragraph (4) below) for an order requiring the Asylum and Immigration Tribunal to reconsider the adjudicator's decision on the appeal.

(3) Where, in a case to which paragraph (2) applies, a time period specified in rules under section 106 for applying for permission to appeal to the Immigration Appeal Tribunal has started to run before 4th April 2005, an application under section 103A(1) may, notwithstanding section 103A(3), be made at any time before the expiry of that time period.

(4) In relation to an application which, by virtue of this article, is made or treated as made under section 103A, that section shall apply with the modifications that—

- (a) references to the Tribunal, except for the second such reference in section 103A(1), shall be interpreted as referring to the adjudicator who determined the appeal;
- (b) references to the Tribunal's decision shall be interpreted as referring to the adjudicator's decision.

(5) Section 103D shall not apply in relation to a pending application which is treated as an application under section 103A by virtue of paragraph (1) of this article.