

2007 No. 3170 (L. 30)

IMMIGRATION

**The Asylum and Immigration Tribunal (Procedure)
(Amendment No. 2) Rules 2007**

<i>Made</i> - - - -	<i>6th November 2007</i>
<i>Laid before Parliament</i>	<i>7th November 2007</i>
<i>Coming into force</i> - -	<i>1st December 2007</i>

The Lord Chancellor makes the following Rules in exercise of the powers conferred by sections 106(1) and (2) and 112(3) of the Nationality, Immigration and Asylum Act 2002(a).

He has consulted the Administrative Justice and Tribunals Council in accordance with section 8 of the Tribunals and Inquiries Act 1992(b).

Citation and commencement

1. These Rules may be cited as the Asylum and Immigration Tribunal (Procedure) (Amendment No. 2) Rules 2007 and come into force on 1st December 2007.

Amendments to the Asylum and Immigration Tribunal (Procedure) Rules 2005

2. In rule 27 of the Asylum and Immigration Tribunal (Procedure) Rules 2005(c)—

- (a) in paragraph (3), after “paragraph” insert “(3A) or”;
- (b) after paragraph (3) insert—

“(3A) In reviews of appeals under sections 83 and 83A of the 2002 Act, the Tribunal must—

- (a) within a reasonable time, serve a copy of the notice of decision and any directions on every party to the appeal; and
- (b) where the immigration judge makes an order for reconsideration, serve on the party to the appeal other than the party who made the section 103A application a copy of the application notice and any documents which were attached to it.”;

- (c) in paragraph (5)(a) after “must” insert “, within a reasonable time,”.

3. After rule 49 of the Asylum and Immigration Tribunal (Procedure) Rules 2005 insert—

(a) 2002 c.41. Section 106 was amended by paragraph 21 of Schedule 2 to the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c.19).
(b) 1992 c.53. The Administrative Justice and Tribunals Council has replaced the Council on Tribunals under section 44 of the Tribunals, Courts and Enforcement Act 2007 (c.15).
(c) S.I. 2005/230; there are relevant amendments in S.I. 2006/2788.

“Interpreters

49A. An appellant is entitled to the services of an interpreter—

- (a) when giving evidence; and
- (b) in such other circumstances as the Tribunal considers necessary.”.

Signed by authority of the Lord Chancellor

6th November 2007

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Asylum and Immigration Tribunal (Procedure) Rules 2005 (S.I. 2005/230) to give effect to Article 10(2) of Council Directive 2005/85/EC of 1st December 2005 laying down minimum standards on procedures in Member States for granting and withdrawing refugee status (O.J. L326, 13/12/2005, p.13). They provide that decisions on applications for reconsideration to which the Directive applies must be served within a reasonable time and make express provision for the existing practice whereby an appellant may have an interpreter in certain circumstances.

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