
STATUTORY INSTRUMENTS

2010 No. 44

The Tribunal Procedure (Amendment No. 2) Rules 2010

Amendments to the Tribunal Procedure (Upper Tribunal) Rules 2008

3. In rule 1(3) (interpretation)—

(a) after the definition of “appropriate national authority” insert—

““asylum case” means proceedings before the Upper Tribunal on appeal against a decision in proceedings under section 82, 83 or 83A of the Nationality, Immigration and Asylum Act 2002⁽¹⁾ in which a person claims that removal from, or a requirement to leave, the United Kingdom would breach the United Kingdom’s obligations under the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 and the Protocol to the Convention;”;

(b) after the definition of “hearing” insert—

““immigration case” means proceedings before the Upper Tribunal on appeal against a decision in proceedings under section 40A of the British Nationality Act 1981⁽²⁾, section 82 of the Nationality, Immigration and Asylum Act 2002, or regulation 26 of the Immigration (European Economic Area) Regulations 2006⁽³⁾ that are not an asylum case;”;

(c) after the definition of “document” insert—

““fast-track case” means an asylum case or an immigration case where the person who appealed to the First-tier Tribunal—

- (a) was detained under the Immigration Acts at a place specified in Schedule 2 to the Asylum and Immigration Tribunal (Fast Track Procedure) Rules 2005⁽⁴⁾ when the notice of decision that was the subject of the appeal to the First-tier Tribunal was served on the appellant;
- (b) remains so detained; and
- (c) the First-tier Tribunal or the Upper Tribunal has not directed that the case cease to be treated as a fast-track case;”.

⁽¹⁾ 2002 c. 41. Section 82 was amended by sections 26(2) and 31 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19); sections 2, 11(6), 47(6), 57(2) and 61 of the Immigration, Asylum and Nationality Act 2006 (c. 13), and section 35(1) and (3) of the UK Borders Act 2007 (c. 30). Section 83A was inserted by section 1 of the Immigration, Asylum and Nationality Act 2006.

⁽²⁾ 1981 c. 61.

⁽³⁾ S.I. 2006/1003.

⁽⁴⁾ S.I. 2005/560.