

2014 No. 2768

IMMIGRATION

The Immigration (Notices) (Amendment) Regulations 2014

Made - - - - *15th October 2014*

Laid before Parliament *16th October 2014*

Coming into force - - *6th November 2014*

The Secretary of State, in exercise of the powers conferred by sections 105 and 112(3) of the Nationality, Immigration and Asylum Act 2002(a), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Immigration (Notices) (Amendment) Regulations 2014 and come into force on 6th November 2014.

Amendments to the Immigration (Notices) Regulations 2003

2.—(1) The Immigration (Notices) Regulations 2003(b) are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) omit the definition of “immigration decision”;
- (b) in the definition of “notice of appeal”, for “rules for the time being in force under section 106(1) of the 2002 Act” substitute “Procedure Rules”; and
- (c) in the definition of “Procedure Rules”, for “106(1) of the 2002 Act(c)” substitute “22 of, and Schedule 5 to, the Tribunals, Courts and Enforcement Act 2007(d)”.

(3) Omit regulation 3 (transitional provision).

(4) In regulation 4 (notice of decisions)—

- (a) in paragraph (1), for “immigration decision or” substitute “decision taken in respect of him which is appealable under section 82(1) of the 2002 Act(e) or any”; and
- (b) omit paragraphs (2) and (2A).

(5) In regulation 5 (contents of notice)—

- (a) in paragraph (1)(a), omit “and”;
- (b) omit paragraphs (1)(b), (2) and (2A);
- (c) in paragraph (3), omit “subject to paragraph 6,”;

(a) 2002 c. 41; section 112(3) was amended by S.I. 2010/21.

(b) S.I. 2003/658 as amended by S.I. 2006/2168, S.I. 2008/684, S.I. 2008/1819 and S.I. 2013/793.

(c) 2002 c. 41; section 106(1) was repealed by S.I. 2010/21.

(d) 2007 c. 15.

(e) 2002 c. 41; section 82(1) was amended by section 26(2) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19) and section 15(2) of the Immigration Act 2014.

(d) for paragraph (4), substitute—

“(4) The notice given under regulation 4 shall be accompanied by information about the process for providing a notice of appeal to the Tribunal and the time limit for providing that notice.”; and

(e) omit paragraphs (5), (6), (7) and (8).

(6) In regulation 7 (service of notice)—

(a) for paragraph (3), substitute—

“(3) Where a notice has been given in accordance with paragraph (2) and then subsequently the person is located—

(a) he shall be given a copy of the notice and details of when and how it was given as soon as practicable; and

(b) the time limit for appeal under the Procedure Rules shall be calculated from the date the notice is deemed to have been given in accordance with paragraph (2).”;

(b) for paragraph (4), substitute—

“(4) Where a notice is sent by post to a place outside the United Kingdom in accordance with paragraph (1)(c) it shall be deemed to have been received on the twenty-eighth day after it was posted, unless the contrary is proved.”;

(c) in paragraph (5)—

(i) in sub-paragraph (a), omit “and”; and

(ii) omit sub-paragraph (b); and

(d) omit paragraph (6).

Transitional provision

3. Regulation 2(4) and (5) of these Regulations only apply to a notice that is to be given in relation to a decision which is appealable under section 82(1) of the Nationality, Immigration and Asylum Act 2002, as amended by section 15(2) of the Immigration Act 2014(a).

Home Office
15th October 2014

James Brokenshire
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Immigration (Notices) Regulations 2003 (“the 2003 Regulations”).

Regulation 4 of the 2003 Regulations specifies the circumstances in which a written notice of decision must be provided. Regulation 2(4) of these Regulations amends regulation 4 to provide that written notice must be given where a decision is appealable under section 82(1) of the Nationality, Immigration and Asylum Act 2002 (c. 41). Regulation 2(5) of these Regulations makes amendments to regulation 5 of the 2003 Regulations, which specifies the contents of the notice to be given under regulation 4 of the 2003 Regulations. The transitional provision in regulation 3 of these Regulations provides that regulation 2(4) and (5) only apply to a notice that is to be given in respect of a decision that is appealable under section 82(1), as amended by section 15(2) of the Immigration Act 2014 (c. 22).

These Regulations also amend regulation 7 of the 2003 Regulations to ensure that the provisions about service of notice accord with changes to the Tribunal Procedure (First-tier Tribunal)

(a) 2014 c.22.

(Immigration and Asylum Chamber) Rules 2014 (S.I. 2014/2406) that come into effect on 20th October 2014.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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