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STATUTORY INSTRUMENTS

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**2016 No. 928**

**The First-tier Tribunal (Immigration and Asylum Chamber) Fees (Amendment) Order 2016**

**Amendment of the First-tier Tribunal (Immigration and Asylum Chamber) Fees Order 2011**

5.—(1) In article 5 (exemption from fees)—

(a) for paragraph (1) substitute—

“(1) No fee is payable for—

(a) an appeal against a decision made under—

(i) section 40 of the British Nationality Act 1981(1) (deprivation of citizenship);

(ii) regulation 19(3) of the Immigration (European Economic Area) Regulations 2006(2) (exclusion and removal from the United Kingdom);

(b) an appeal under section 82(1)(c) of the Nationality, Asylum and Immigration Act 2002(3) (revocation of protection status).”;

(b) after paragraph (1) insert—

“(1A) No fee is payable for a relevant appeal brought by an appellant who has been excepted from the requirement to pay an application fee under the 2016 Regulations in accordance with the following exceptions—

(a) exception 4.5 (application by person physically present in UK but liable to immigration detention where the requirement to pay the fee would be incompatible with the person’s Convention rights) in Table 4 of paragraph (2) of Schedule 1 to those Regulations; or

(b) exception 9.4 (specified human rights applications) in Table 9 of paragraph (2) of Schedule 2 to those Regulations.

(1B) For the purposes of this article, a “relevant appeal” is an appeal against a decision to refuse the application in respect of which the appellant was excepted from the requirement to pay a fee under the 2016 Regulations.”;

(c) for paragraph (4) substitute—

“(4) No fee is payable where the appellant is—

(a) a child for whose benefit services are provided by a local authority under—

(i) section 17 of the Children Act 1989(4) (provision of services for children in need, their families and others);

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(1) 1981 c. 61; section 40 was substituted by section 4 of the Nationality, Immigration and Asylum Act 2002 (c. 41) and amended by section 56 of the Immigration, Asylum and Nationality Act 2006 (c. 13) and section 66 of the Immigration Act 2014 (c. 22).  
(2) S.I. 2006/1003; regulation 19(3) was substituted by paragraph 6(b) of Schedule 1 to S.I. 2009/1117 and amended by S.I. 2013/3032.  
(3) 2002 c. 41; section 82 was substituted by section 15(2) of the Immigration Act 2014 (c. 22), subject to savings and transitional provisions as specified in articles 9 to 11 of S.I. 2014/2771.  
(4) 1989 c. 41; relevant amendments were made to section 17 by sections 7(1) and (2) of the Children (Leaving Care) Act 2000 (c. 35), section 116(1) of the Adoption and Children Act 2002 (c. 38), section 53(1) of the Children Act 2004 (c. 31), and

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- (ii) section 22 of the Children (Scotland) Act 1995(5) (promotion of welfare of children in need); or
- (iii) article 18 of the Children (Northern Ireland) Order 1995(6) (general duty of authority to provide personal social services for children in need, their families and others);
- (b) a child for whom provision is being made by a local authority for the purpose of meeting the child's needs under section 37 of the Social Services and Well-being (Wales) Act 2014(7) (duty to meet care and support needs of a child);
- (c) a person who has parental responsibility for a child described in subparagraph (a) or (b); or
- (d) a child for whom accommodation is provided under—
  - (i) section 20 of the Children Act 1989(8) (provision of accommodation for children: general);
  - (ii) section 76 of the Social Services and Well-being (Wales) Act 2014(9) (accommodation for children without parents or who are lost or abandoned etc.);
  - (iii) section 25 of the Children (Scotland) Act 1995 (provision of accommodation for children, etc.); or
  - (iv) article 21 of the Children (Northern Ireland) Order 1995 (provision of accommodation for children: general).”.

(2) The amendments made by paragraph (1) do not apply in the case of an appeal against a decision in relation to which the provisions mentioned in article 1(2)(e) of the Immigration Act 2014 (Commencement No. 3, Transitional and Saving Provisions) Order 2014(10) are continued in effect by article 9 of that Order.

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sections 8(2) and 24 of, paragraph 1 of Schedule 1 to, paragraphs 1 and 2 of Schedule 3 to, and Schedule 4 to, the Children and Young Persons Act 2008 (c. 23).

- (5) 1995 c. 36; section 22 was amended by paragraph 19 of Schedule 5 to the Local Government Act 2000 (c. 22), sections 2(1) and (2) of the Children (Leaving Care) Act 2000 (c. 35), section 116(2) of, and paragraph 19 of Schedule 5 to, the Adoption and Children Act 2002 (c. 38), section 52 of the Children Act 2004 (c. 31), paragraphs 1 and 6 of Schedule 3 to the Children and Young Persons Act 2008 (c. 23), and section 99 of the Children and Families Act 2014 (c. 6).
- (6) S.I. 1995/755 (N.I. 2); relevant amendments were made to article 18 by section 7(3) of the Children (Leaving Care) Act (Northern Ireland) 2002 (c. 11) (N.I.), and paragraph 1(1) of Schedule 6 to the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1) (N.I.).
- (7) 2014 anaw. 4; section 37 was amended by S.I. 2016/413.
- (8) 1989 c. 41; section 20 was amended by paragraphs 54 and 59 of Schedule 3 to, and Schedule 5 to the Adoption and Children Act 2002 (c. 38), section 53(2) of the Children Act 2004 (c. 31), and paragraphs 1 and 28 of Schedule 2 to the Children and Families Act 2014.
- (9) 2014 anaw. 4; section 76 was amended by S.I. 2016/413.
- (10) S.I. 2014/2771; article 9 was substituted by S.I. 2015/371.