
STATUTORY INSTRUMENTS

2022 No. 1209

The Nationality and Borders Act 2022 (Consequential Amendments) (No. 2) Regulations 2022

Amendment of the Special Immigration Appeals Commission Act 1997

2.—(1) The Special Immigration Appeals Commission Act 1997(1) is amended as follows.

(2) In section 1(1) (establishment of the Commission), at the end, insert “and Schedule 4A to the British Nationality Act 1981(2)”.

(3) After section 6A (procedure in relation to jurisdiction under sections 2C to 2F)(3) insert—

“6B Procedure in relation to jurisdiction under Schedule 4A to the British Nationality Act 1981

(1) The Lord Chancellor may make rules—

- (a) in relation to applications under paragraph 1(1), (2) or (6) or paragraph 2(5) of Schedule 4A to the British Nationality Act 1981 (deprivation of citizenship without notice),
- (b) for prescribing the practice and procedure to be followed on or in connection with applications under those paragraphs, including the mode and burden of proof and admissibility of evidence on such applications, and
- (c) for other matters preliminary or incidental to or arising out of such applications, including proof of the decisions of the Special Immigration Appeals Commission.

(2) Rules under this section may, in particular, do anything which may be done by Tribunal Procedure Rules.

(3) Rules under this section may make provision—

- (a) enabling any functions of the Commission which relate to an application under a provision mentioned in subsection (1)(a) to be performed by a single member of the Commission, or
- (b) conferring on the Commission such ancillary powers as the Lord Chancellor thinks necessary for the purposes of the exercise of its functions.

(4) In making rules under this section, the Lord Chancellor must have regard, in particular, to—

- (a) the need to secure that decisions which are the subject of applications are properly reviewed, and
- (b) the need to secure that information is not disclosed contrary to the public interest.

(5) The power to make rules under this section is exercisable by statutory instrument.

(1) 1997 c. 68.

(2) Schedule 4A was inserted by Schedule 2 to the Nationality and Borders Act 2022.

(3) Section 6A was inserted by paragraph 9(2) of Schedule 2 to the Justice and Security Act 2013.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(6) No rules may be made under this section unless a draft of them has been laid before and approved by resolution of each House of Parliament.”

(4) In section 7 (appeals from the Commission)(4), after subsection (1A) insert—

“(1B) Where the Commission has made a final determination of an application under paragraph 1(1), (2) or (6) or paragraph 2(5) of Schedule 4A to the British Nationality Act 1981 (deprivation of citizenship without notice), the Secretary of State may bring an appeal against that determination to the appropriate appeal court.”.

(4) Section 7 was amended by paragraph 1 of Schedule 16 to the Immigration and Asylum Act 1999 (c. 33), paragraph 9(3) of Schedule 2 to the Justice and Security Act 2013 (c. 18), section 66(4) of the Criminal Justice and Courts Act 2015 (c. 2) and section 77 of the Nationality and Borders Act 2022 (c. 36).