

2013 No. 2069

TRIBUNALS AND INQUIRIES, ENGLAND AND WALES

**The Upper Tribunal (Immigration and Asylum Chamber)
(Judicial Review) (England and Wales) Fees (Amendment)
Order 2013**

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| <i>Made</i> - - - - | <i>20th August 2013</i> |
| <i>Laid before Parliament</i> | <i>29th August 2013</i> |
| <i>Coming into force</i> - - | <i>1st November 2013</i> |

The Lord Chancellor makes the following Order in exercise of the powers conferred by section 42 of the Tribunals, Courts and Enforcement Act 2007(a).

The Lord Chancellor has consulted the Senior President of Tribunals in accordance with section 42(5) of that Act before making this Order and has obtained the consent of the Treasury in accordance with section 42(6) of that Act.

Citation, commencement and extent

1. This Order may be cited as the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees (Amendment) Order 2013 and comes into force on 1st November 2013.

2. This Order extends to England and Wales only.

Amendments to the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011

3. The Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011(b) is amended as follows.

4. In article 1 (citation, commencement, interpretation and extent), in paragraph (2)—

(a) omit the definition of “fresh claim proceedings”;

(b) before the definition of “LSC” insert—

““immigration judicial review proceedings” means judicial review proceedings (within the meaning of the Tribunal Procedure (Upper Tribunal) Rules 2008)(c), which are designated as an immigration matter—

(a) 2007 c.15. Section 42 was amended by article 5(1), and paragraphs 36 and 41 of Schedule 1 to, the Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21).

(b) S.I. 2011/2344.

(c) S.I. 2008/2698, to which there are no amendments relevant to this Order.

- (a) in a direction made in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005^(a) specifying a class of case for the purposes of section 18(6) of the Tribunals, Courts and Enforcement Act 2007; or
- (b) in an order of the High Court in England and Wales made under section 31A(3) of the Senior Courts Act 1981^(b), transferring to the Upper Tribunal an application of a kind described in section 31A(1) of that Act;”.

5. In article 2 (fees payable), for “fresh claim” substitute “immigration judicial review”.

6. In Schedule 1 (fees to be taken in fresh claim proceedings), in the heading of that Schedule and in paragraph 3.1, for “fresh claim” substitute “immigration judicial review”.

Signed by the authority of the Lord Chancellor

20th August 2013

We consent

Damian Green
Minister of State
Ministry of Justice

Stephen Crabb
Anne Milton
Two of the Lords Commissioners of Her Majesty’s Treasury

20th August 2013

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011 (S.I. 2011/2344 – the “2011 Order”) in consequence of the making of a direction by the Lord Chief Justice which transfers into the unified tribunal structure certain immigration and asylum judicial reviews from the High Court in England and Wales.

The amendments made by articles 4, 5 and 6 extend the fees prescribed by the 2011 Order to these applications for judicial review.

The Lords Chief Justice’s direction is published at www.judiciary.gov.uk.

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(a) 2005 c.4.
(b) 1981 c.54. Section 31A was inserted by section 19(1) of the Tribunals, Court and Enforcement Act 2007 (c.15), and amended by section 53(1) of the Borders, Citizenship and Immigration Act 2009 (c.11) and section 22(1) of the Crime and Courts Act 2013 (c.22).

£4.00

UK2013082710 09/2013 19585

<http://www.legislation.gov.uk/id/uksi/2013/2069>

ISBN 978-0-11-110318-0



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