

## 2000 No. 168 (C. 3)

### IMMIGRATION

#### The Immigration and Asylum Act 1999 (Commencement No. 2 and Transitional Provisions) Order 2000

*Made - - - - - 21st January 2000*

In exercise of the powers conferred upon him by sections 166(3) and 170(4) and (5) of the Immigration and Asylum Act 1999<sup>(a)</sup>, the Secretary of State hereby makes the following Order:

#### **Citation and interpretation**

1.—(1) This Order may be cited as the Immigration and Asylum Act 1999 (Commencement No. 2 and Transitional Provisions) Order 2000.

(2) In this Order “the Act” means the Immigration and Asylum Act 1999.

#### **Commencement of provisions**

2. The provisions of the Act specified in column 1 of the Schedule to this Order shall come into force on the date specified in column 2 of that Schedule, but where a particular purpose is specified in relation to any such provision in column 3 of that Schedule, the provision concerned shall come into force on that date only for that purpose.

#### **Transitional provisions relating to the appeals provisions commenced by this Order**

3.—(1) The adjudicators and the Immigration Appeal Tribunal for the purposes of the Act are to be treated as the adjudicators and the Immigration Appeal Tribunal for the purposes of the previous Immigration Acts.

(2) Accordingly:

- (a) references (however expressed) to the Act in the appeals provisions, or in any enactment as amended by those provisions, are to be construed as including a reference to the previous Immigration Acts;
- (b) references (however expressed) in any Act or in any subordinate legislation (within the meaning of section 21(1) of the Interpretation Act 1978<sup>(b)</sup>) to adjudicators or the Immigration Appeal Tribunal for the purposes of any of the previous Immigration Acts are to be construed as including references to the adjudicators (other than Asylum Support Adjudicators) or (as the case may be) the Immigration Appeal Tribunal for the purposes of the Act; and
- (c) the designation of an adjudicator as a special adjudicator under (and for the purposes of) any provision of the previous Immigration Acts shall continue notwithstanding the commencement of the appeals provisions.

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<sup>(a)</sup> 1999 c. 33.

<sup>(b)</sup> 1978 c. 30.

(3) For the purposes of this article:

“the appeals provisions” means sections 56 and 57 of the Act; Schedules 2 and 3 to the Act; paragraph 5 of Schedule 4 to the Act; and paragraphs 71, 72, 91 and 98 of Schedule 14 to the Act; and

“the previous Immigration Acts” means the Immigration Act 1971(a), the Immigration Act 1988(b), the Asylum and Immigration Appeals Act 1993(c), and the Asylum and Immigration Act 1996(d).

(4) This article is without prejudice to the operation of the Interpretation Act 1978.

Home Office  
21st January 2000

*Jack Straw*  
One of Her Majesty’s Principal Secretaries of State

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(a) 1971 c. 77.  
(b) 1988 c. 14.  
(c) 1993 c. 23.  
(d) 1996 c. 49.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Sections 1 and 2 (Leave to enter; leave to remain).	14th February 2000	
Sections 6 and 7 (Members of Missions other than diplomatic agents; Persons ceasing to be exempt).	1st March 2000	
Section 8 (Persons excluded from the United Kingdom under International Obligations).	1st March 2000	
Section 14 (Escorts for persons removed from the United Kingdom under directions).	1st March 2000	
Sections 28, 29(1), (2) and (4) and 30 (Offences).	14th February 2000	Section 29(1) is commenced so far as it relates to section 29(2) and (4).
Sections 56 (The Immigration Appeal Tribunal) and 57 (Adjudicators).	14th February 2000	
Section 58(2) (Part I of Schedule 4 to the Act).	14th February 2000	Commenced for the purposes of the provisions of Part I of Schedule 4 to the Act commenced by this Order.
Sections 128 to 139 (Powers to arrest and search).	14th February 2000	
Section 169.	14th February 2000	Commenced for the purposes of the provisions of Schedules 14 to 16 to the Act commenced by this Order.
Schedules 2 (The Immigration Appeal Tribunal) and 3 (Adjudicators).	14th February 2000	
In Schedule 4 (Appeals), paragraphs 3 to 5.	14th February 2000	
In Schedule 14, paragraphs 43, 44(1), 45, 49, 50, 51, 53, 56 to 60, 62(1)(a), (3) and (4), 63, 64, 67, 68, 71, 72, 80(1), (2) and (3), 90(1), (2) and (3), 91, 94 to 96, 98, 108, 109, 118 and 125 (Provisions consequential on the provisions of the Act commenced by this Order).	14th February 2000	Paragraph 43 is commenced so far as it relates to paragraphs 44(1), 45, 49, 50, 51, 53, 56 to 60, 62 to 64, 67 and 68 of the Schedule; paragraph 49 is commenced so far it repeals section 12 of the Immigration Act 1971; paragraphs 80(1) and 90(1) are commenced so far as they relate to paragraphs 80(2) and (3) and 90(2) and (3) respectively; paragraph 94 is commenced so far as it relates to paragraphs 95 and 96; paragraph 108 is commenced so far as it relates to paragraph 109; and paragraph 118 is commenced so far as it relates to paragraph 125.
In Schedule 15, paragraphs 1, 3, 4(b) and 14 (Transitional provisions).	14th February 2000	

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(a) Paragraph 62(2) is commenced by section 170(3)(s) of the Act.

*Column 1*

In Schedule 16, the following entries: in the entry relating to the Immigration Act 1971, the entries in the third column concerning Part II of, sections 24 and 25 of, and Schedules 2 and 5 to, that Act; the entries relating to the House of Commons Disqualification Act 1975(a), the Northern Ireland Assembly Disqualification Act 1975(b), the Courts and Legal Services Act 1990(c) and the Judicial Pensions and Retirement Act 1993(d); and, in the entry relating to the Asylum and Immigration Act 1996, the entry in the third column concerning section 7 of that Act.

*Column 2*

14th February 2000

*Column 3*

In the case of the entry relating to Part II of the Immigration Act 1971, it is commenced so far as it repeals section 12 of that Act; and in the case of the entry relating to Schedule 2 to that Act, it is commenced so far as it repeals words in paragraphs 21 and 26 of that Schedule.

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(a) 1975 c. 24.  
(b) 1975 c. 25.  
(c) 1990 c. 41.  
(d) 1993 c. 8.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force certain provisions of the Immigration and Asylum Act 1999 (the Act).

On 14th February 2000, the following provisions are commenced:

- (a) sections 1 and 2, which create powers enabling new provision to be made concerning the form and manner in which leave to enter and remain may be given under the Immigration Act 1971 (the 1971 Act);
- (b) sections 28, 29(1), (2) and (4) and 30, which amend the provisions of the 1971 Act concerning offences, in particular of deception;
- (c) sections 56, 57 and (in part) 58, together with Schedules 2 and 3 and paragraphs 3 to 5 of Schedule 4, which make new provision for immigration adjudicators and the Immigration Appeal Tribunal; their commencement is subject to the transitional provisions made by article 3 of the Order;
- (d) sections 128 to 139, which confer new powers of arrest and search on immigration officers; and
- (e) certain minor and consequential amendments and transitional provisions in Schedules 14 and 15, together with entries in the repeals Schedule, Schedule 16.

The following are commenced on 1st March 2000:

- (a) sections 6 and 7, which amend certain provisions of the 1971 Act concerning exemptions from immigration control;
- (b) section 8, which makes provision for the exclusion of persons from the United Kingdom pursuant to UN and EU travel bans; and
- (c) section 14, which makes new provision concerning escorts for removals from the United Kingdom.

*(This note is not part of the Order)*

S.I. 1999/3190 brought into force the provisions of the Immigration and Asylum Act 1999 specified below on the dates shown.

Sections 20 and 21 (Supply of information to and by Secretary of State).	1st January 2000
Section 32(2)(a), (3) and (10) (in part) (Prescribed penalty for carrying clandestines; prescribed period for payment; and prescribed control zone).	6th December 1999
Section 33 (Clandestine entrants: Code of practice).	6th December 1999
Section 35(7) to (9) (in part) (Clandestine entrants: period for giving notice of objection and service of notices on detached trailers).	6th December 1999
Section 36(2)(a) (in part) (Clandestine entrants: prescribed period for payment of penalty).	6th December 1999
Section 37(6) (in part) (Sale of transporters).	6th December 1999
Section 39 (in part) (Clandestine entrants: rail freight).	6th December 1999
Section 40(9) and (10) (Carriers' Liability: trains: international agreement for controls).	6th December 1999
Section 42(8) (in part) (Sale of transporters).	6th December 1999
Section 43 (Interpretation of Part II).	6th December 1999
Section 95(3) to (8) (in part) (Persons for whom support may be provided).	6th December 1999
Section 95 (in part) (Persons for whom support may be provided) (save as not already in force(a)).	1st January 2000
Section 97 (in part) (Supplemental provisions on provision of support).	1st January 2000
Section 104 (Asylum support: Secretary of State's Rules).	1st January 2000
Section 110(9) (Definition of "Northern Ireland authority" for the purposes of section 110).	6th December 1999
Section 114 (in part) (Overpayments).	1st January 2000
Section 115 (in part) (Exclusion from benefits).	1st January 2000

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(a) Subsection (13) was brought into force by section 170(3)(g) of the Act.

Section 116 (Amendment of section 21 of the National Assistance Act 1948).	6th December 1999
Section 117(1) and (2) (Amendment of section 45 of the Health Services and Public Health Act 1968 and paragraph 2 of Schedule 8 to the National Health Service Act 1977).	6th December 1999
Section 118 (in part) (Housing authority accommodation).	1st January 2000
Section 119 (in part) (Homelessness: Scotland and Northern Ireland).	1st January 2000
Section 123 (in part) (Backdating of benefits where person recorded as refugee).	1st January 2000
Section 169(1) and (2) (in part) (Minor and consequential amendments and transitional provisions).	6th December 1999
Paragraphs 2 and 5 of Schedule 1 (Sale of transporters).	6th December 1999
Schedule 8 (Provision of support: regulations).	1st January 2000
Paragraph 54 of Schedule 14 (Proof of documents).	6th December 1999
Paragraph 117 of Schedule 14 (Amendment of section 512(3) of the Education Act 1996).	6th December 1999
Paragraphs 5, 6 and 9 of Schedule 15 (Transitional provisions in relation to section 116 and subsections (1) and (2) of section 117).	6th December 1999

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**IMMIGRATION**

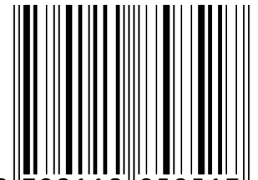
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