
S T A T U T O R Y I N S T R U M E N T S

2000 No. 2444 (C.69)

IMMIGRATION

The Immigration and Asylum Act 1999 (Commencement No. 6, Transitional and Consequential Provisions) Order 2000

Made - - - - - 11th September 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(a), 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. 6, Transitional and Consequential Provisions) Order 2000.

(2) In this Order—

“the 1971 Act” means the Immigration Act 1971(b);

“the 1993 Act” means the Asylum and Immigration Appeals Act 1993(c);

“the 1996 Act” means the Asylum and Immigration Act 1996(d);

“the 1997 Act” means the Special Immigration Appeals Commission Act 1997(e);

“the 1999 Act” means the Immigration and Asylum Act 1999.

Commencement

2. The provisions of the 1999 Act specified in column 1 of Schedule 1 to this Order shall come into force on the date specified in column 2 of that Schedule, subject to the transitional provisions contained in this Order, 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

3.—(1) Subject to Schedule 2—

(a) the new appeals provisions are not to have effect in relation to events which took place before 2nd October 2000 and, notwithstanding their repeal by the provisions of the 1999 Act commenced by this Order, the old appeals provisions are to continue to have effect in relation to such events;

(b) the new procedural provisions are to apply to appeals under the old appeals provisions as well as the new appeals provisions; and

(c) references in the new procedural provisions to the new appeal rights (however expressed) are to be construed as including a reference to the equivalent provision of the old appeal rights.

(a) 1999 c. 33.

(b) 1971 c. 77.

(c) 1993 c. 23.

(d) 1996 c. 49.

(e) 1997 c. 68.

(2) Schedule 2, which makes further transitional provision in respect of the 1999 Act, has effect.

Definitions for transitional provisions

4.—(1) In article 3—

- (a) “the new appeals provisions” means sections 59, 61, 63, 65, 66, 67 and 69 of the 1999 Act; together with any provision (including subordinate legislation) of—
 - (i) the 1999 Act; and
 - (ii) the 1971 and 1993 Acts (as amended by the 1999 Act);
 which refers to those provisions;
- (b) “the old appeals provisions” means—
 - (i) sections 13 (but not subsections (3AA) and (3AB)), 14, 15, 16, 17 of the 1971 Act;
 - (ii) subsections (1) to (4) of section 8 of the 1993 Act; and
 - (iii) subsections (1) and (2) of section 3 of the 1996 Act;
 together with—
 - (iv) any subordinate legislation which applies to those provisions; and
 - (v) any provision of the old Immigration Acts (including subordinate legislation) which refers to those provisions;
- (c) “the new procedural provisions” means—
 - (i) subsections (5) to (10) of section 58 of the 1999 Act; and
 - (ii) paragraphs 6 to 8 and 21 to 24 of Schedule 4 to the 1999 Act.

(2) For the purposes of article 3, an event takes place when—

- (a) a notice is served;
- (b) a decision is made or taken;
- (c) directions are given; and
- (d) a certificate is issued.

(3) For the purposes of article 3 and Schedule 2—

- (a) a notice is served;
- (b) a decision is made or taken;
- (c) directions are given; and
- (d) a certificate is issued;

on the day on which it is or they are sent to the person concerned, if sent by post or by fax, or delivered to that person, if delivered by hand.

(4) In this article—

- (a) “the old Immigration Acts” means the 1971 Act, the 1993 Act and the 1996 Act, all without the amendments made by the 1999 Act;
- (b) “the person concerned” means the person who is the subject of the notice, decision, directions or certificate or the person who appears to be his representative; and
- (c) a reference to the issue of a certificate is a reference to the issue of a certificate in relation to the removal of asylum claimants to safe third countries.

Consequential provision

5. The reference in section 46(3)(a) of the Criminal Justice Act 1991(a) to a person who is liable to deportation under section 3(5) of the 1971 Act is to be read, from 2nd October 2000, as including a reference to a person who may be removed from the United Kingdom in accordance with section 10 of the 1999 Act.

Home Office
11th September 2000

Barbara Roche
Minister of State

(a) 1991 c. 53.

SCHEDULE 1

Article 2

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|--|---------------------|--|
| Section 3 (Continuing of leave pending decision). | 2nd October 2000 | |
| Section 10 (Removal of certain persons unlawfully in the United Kingdom) (so far as not already in force). | 2nd October 2000 | |
| Section 11 (Removal of asylum claimants under standing arrangements with member States). | 2nd October 2000 | |
| Section 12 (Removal of asylum claimants other than under standing arrangements with member States) (so far as not already in force). | 2nd October 2000 | |
| Section 23 (Monitoring refusals of entry clearance). | 2nd October 2000 | |
| Section 29 (Facilitation of entry) (so far as not already in force). | 2nd October 2000 | |
| Sections 32 and 34 to 37 (Clandestines) (so far as not already in force). | 18th September 2000 | Commenced for the purposes of section 39 (Rail freight) and any regulations made under it (in addition to the purposes specified in relation to these provisions in the Immigration and Asylum Act 1999 (Commencement No. 3) Order 2000(a)). |
| Part IV (appeals) (including Schedules 2, 3 and 4) (except for section 79 and so far as not already in force). | 2nd October 2000 | |
| Section 169 (Schedules 14 to 16). | 2nd October 2000 | Commenced for the purposes of the provisions of Schedules 14 to 16 commenced by this Order. |
| In Schedule 14 (Consequential amendments), paragraphs 43, 44(2), 46, 49 (except for section 22 of the 1971 Act, so far as that section has effect for the purposes of paragraph 25 of Schedule 2 to that Act, and so far as not already in force), 52 (so far as not already in force), 55, 65, 66, 69, 70, 83, 84, 99, 103 to 106, 108, 114, 115, 118, 120, 121 (so far as it relates to subsections (1) to (6) of section 2A of the 1997 Act), 122 to 128, 129 (so far as not already in force). | 2nd October 2000 | Paragraph 43 is commenced so far as it relates to paragraphs 44(2), 46, 49, 52, 55, 65, 66, 69 and 70 of the Schedule; paragraph 83 is commenced so far as it relates to paragraph 84 of the Schedule; paragraph 99 is commenced so far as it relates to paragraphs 103 to 106 of the Schedule; paragraph 108 is commenced so far as it relates to paragraphs 114 and 115; paragraph 118 is commenced so far as it relates to paragraphs 120 to 129 of the Schedule. |
| In Schedule 15 (Transitional provisions and savings), paragraphs 11 and 12. | 2nd October 2000 | |
| In Schedule 16 (Repeals), the entries relating to Part II and Schedules 2 and 3 of the 1971 Act (except for section 22 of the 1971 Act, so far as that section has effect for the purposes of paragraph 25 of Schedule 2 to the 1971 Act, and so far as not already in force); the entry relating to section 5 of the | 2nd October 2000 | |

(a) S.I. 2000/464.

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|--|-----------------|-----------------|
| Immigration Act 1988(a); the entries relating to sections 7, 8, 9, 10 and 11 of, and Schedule 2 to, the 1993 Act; the entries relating to sections 1, 2 and 3 of, and Schedules 2 and 3 to, the 1996 Act; the entries relating to section 7(4) of, and paragraph 5 of Schedule 2 to, the 1997 Act. | | |

SCHEDULE 2

Article 3

Transitional provisions relating to the 1999 Act

1.—(1) In this paragraph, a reference to a section or to a Schedule is to be read as a reference to a section of, or to a Schedule to, the 1999 Act, unless otherwise specified.

(2) Section 10 (removal of certain persons unlawfully in the United Kingdom) is not to have effect in relation to—

- (a) any person on whom the Secretary of State has, before 2nd October 2000, served a notice of his intention to make a deportation order; and
- (b) any person—
 - (i) who applied during the regularisation period fixed by section 9 of the 1999 Act, in accordance with the Immigration (Regularisation Period for Overstayers) Regulations 2000(b), for leave to remain in the United Kingdom; and
 - (ii) on whom the Secretary of State has since served a notice of his decision to make a deportation order.

(3) Subsections (5) to (10) of section 58 (pending appeals) are to apply to appeals under Part II of the 1971 Act, section 8 of the 1993 Act and section 3 of the 1996 Act as they do to appeals under Part IV and—

- (a) references to “this Part” are to be construed accordingly; and
- (b) when an appeal is made under section 14 of the 1971 Act, the reference to section 61 in subsection (10) of section 58 is to include a reference to section 14 of the 1971 Act.

(4) Section 59 (appeals against exclusion from the United Kingdom) is not to have effect where the decision to refuse leave to enter the United Kingdom, or to refuse a certificate of entitlement or an entry clearance, was made before 2nd October 2000.

(5) Section 61 (appeals against decisions about variation of limited leave) is not to have effect where the decision to vary, or to refuse to vary, the limited leave to enter or remain was made before 2nd October 2000.

(6) Section 63 (appeals in respect of deportation orders) is not to have effect where the decision to make a deportation order, or the decision to refuse to revoke a deportation order, was made before 2nd October 2000.

(7) Section 65 (human rights appeals) is not to have effect where the decision under the Immigration Acts was taken before 2nd October 2000.

(8) Section 66 (appeals concerning the validity of directions for removal) is not to have effect where the directions for a person’s removal from the United Kingdom were given before 2nd October 2000.

(9) Section 67 (appeals objecting to the destination specified in removal directions) is not to have effect where the directions for a person’s removal from the United Kingdom were given before 2nd October 2000.

(10) If a person has appealed under section 13(1) or section 15 of the 1971 Act, the reference in section 68(2) to an appeal under section 59 or 63 is to include a reference to an appeal under subsection (2) or subsection (3) of section 17 of the 1971 Act.

(11) In section 69 (asylum appeals)—

- (a) subsection (1) is not to have effect where the decision to refuse leave to enter the United Kingdom was made before 2nd October 2000;

(a) 1988 c. 14.

(b) S.I. 2000/265.

- (b) subsection (2) is not to have effect where the decision to vary, or to refuse to vary, the limited leave to enter or remain was made before 2nd October 2000;
- (c) subsection (3) is not to have effect where the decision to refuse leave to enter or remain in the United Kingdom was made before 2nd October 2000;
- (d) subsection (4) is not to have effect where the decision to make a deportation order, or the decision to refuse to revoke a deportation order, was made before 2nd October 2000; and
- (e) subsection (5) is not to have effect where the directions for a person's removal from the United Kingdom were given before 2nd October 2000.

(12) If a person has had the right to appeal under section 8(3)(a) of the 1993 Act, the reference in section 70(8) to the right to appeal under section 69(4)(a) is to include a reference to the right to appeal under section 8(3)(a) of the 1993 Act.

(13) The following paragraphs of Schedule 4 are to apply to appeals under Part II of the 1971 Act, section 8 of the 1993 Act and section 3 of the 1996 Act as they do to appeals under Part IV—

- (a) paragraph 6 (hearings in private);
- (b) paragraph 7 (leave to appeal);
- (c) paragraph 8 (offences);
- (d) paragraph 21 (determination of appeals);
- (e) paragraph 22 (appeals to Immigration Appeal Tribunal);
- (f) paragraph 23 (appeals from Immigration Appeal Tribunal); and
- (g) paragraph 24 (appeals which must be dismissed);

and references in these paragraphs to appeals under Part IV are to include references to appeals under Part II of the 1971 Act, section 8 of the 1993 Act and section 3 of the 1996 Act.

(14) Where an appeal is made under section 13 of the 1971 Act (appeals against exclusion from the United Kingdom), and the adjudicator dismisses that appeal, the reference in paragraph 7 of Schedule 4 (leave to appeal) to an appeal under section 59 (appeals against exclusion from the United Kingdom) is to include a reference to an appeal under section 13 of the 1971 Act.

(15) Where an appeal is made to the Immigration Appeal Tribunal in the first instance, in accordance with section 15 of the 1971 Act (appeals in respect of deportation orders), the references in paragraph 21 of Schedule 4 (determination of appeals) to an adjudicator are to include references to the Immigration Appeal Tribunal.

(16) Where an appeal is made under the 1996 Act, the reference in paragraph 22 of Schedule 4 (appeals to the Immigration Appeal Tribunal) to section 71 (removal to safe countries) is to include a reference to section 3(1)(a) of the 1996 Act (appeals against certificates).

(17) Where an appeal has been determined before 2nd October 2000 on the grounds that it has been abandoned, it is to continue to be treated as determined for the purposes of paragraphs 22 and 23 of Schedule 4 (appeals to and from the Immigration Appeal Tribunal).

(18) Where an appeal is made under section 16 of the 1971 Act (appeals against the validity of removal directions), the reference in paragraph 24(3) of Schedule 4 (appeals which must be dismissed) to section 66(1)(c) is to include a reference to section 16(1)(b) of the 1971 Act.

Transitional provisions relating to the appeals provisions of the 1971 Act

2.—(1) In this paragraph, a reference to a section or to a Schedule is to be read as a reference to a section of, or a Schedule to, the 1971 Act, unless otherwise specified.

(2) Section 3C (continuation of leave pending decision), as inserted by section 3 of the 1999 Act, is to apply in relation to an application mentioned in section 3C(1)(a)—

- (a) which is made before 2nd October 2000; and
 - (b) in respect of which no decision has been made before 2nd October 2000;
- as it applies in relation to such an application made on or after 2nd October 2000.

(3) Section 5 (procedure for, and further provisions as to, deportation) is to continue to have effect in relation to—

- (a) any person on whom the Secretary of State has, before 2nd October 2000, served a notice of his decision to make a deportation order; and
- (b) any person—
 - (i) who applied during the regularisation period fixed by section 9 of the 1999 Act, in accordance with the Immigration (Regularisation Period for Overstayers) Regulations 2000, for leave to remain in the United Kingdom; and
 - (ii) on whom the Secretary of State has since served a notice of his decision to make a deportation order;

and, for the purposes of section 5, such a person is to be taken to be a person who is liable to deportation under section 3(5).

(4) Section 13 (appeals against exclusion from the United Kingdom) is to continue to have effect where the decision to refuse leave to enter the United Kingdom, or to refuse a certificate of entitlement or an entry clearance, was made before 2nd October 2000.

(5) Section 14 (appeals against conditions) is to continue to have effect where the decision to vary, or the refuse to vary, the limited leave to enter or remain was made before 2nd October 2000.

(6) Section 15 (appeals in respect of deportation orders) is to continue to have effect where the decision to refuse to revoke a deportation order was made before 2nd October 2000.

(7) Section 16 (appeals against validity of directions for removal) is to continue to have effect where the directions for a person's removal from the United Kingdom were given before 2nd October 2000.

(8) Section 17 (appeals against removal on objection to destination) is to continue to have effect—

- (a) where the directions for a person's removal from the United Kingdom were given, or the notice specifying the destination of his removal was served, before 2nd October 2000; and
- (b) in relation to any person—
 - (i) who applied during the regularisation period fixed by section 9 of the 1999 Act, in accordance with the Immigration (Regularisation Period for Overstayers) Regulations 2000, for leave to remain in the United Kingdom; and
 - (ii) on whom the Secretary of State has since served a notice of his decision to make a deportation order.

(9) Section 21 (references of cases by Secretary of State for further consideration) (including that section as applied by paragraph 4 of Schedule 2 to the 1993 Act and by section 3 of the 1996 Act) is to continue to have effect where the Secretary of State has referred a matter for consideration under that section before 2nd October 2000.

(10) Where an appeal is made under Part II (including that Part as it applies by virtue of Schedule 2 to the 1993 Act and by virtue of section 3 of the 1996 Act)—

- (a) paragraph 28 of Schedule 2 (stay on directions for removal) (including that paragraph as applied by paragraph 9 of Schedule 2 to the 1993 Act) is to continue to have effect;
- (b) the following provisions are not to have effect—
 - (i) paragraph 29(1) of Schedule 2 (grant of bail pending appeal) (including that paragraph as applied by paragraph 9 of Schedule 2 to the 1993 Act and by section 3(6) of the 1996 Act), as amended by paragraph 66 of Schedule 14 to the 1999 Act;
 - (ii) paragraph 3 of Schedule 3 (effect of appeals) (including that paragraph as applied by paragraph 9 of Schedule 2 to the 1993 Act), as amended by paragraph 69 of Schedule 14 to the 1999 Act.

Transitional provisions relating to the appeals provisions of the 1993 Act

3.—(1) In this paragraph, a reference to a section or to a Schedule is to be read as a reference to a section of, or a Schedule to, the 1993 Act, unless otherwise specified.

(2) In section 8 (asylum appeals)—

- (a) subsection (1) is to continue to have effect where the decision to refuse leave to enter was made before 2nd October 2000;
- (b) subsection (2) is to continue to have effect where the decision to vary, or to refuse to vary, the limited leave to enter or remain was made before 2nd October 2000;
- (c) subsection (3) is to continue to have effect where the decision to make a deportation order, or the decision to refuse to revoke a deportation order, was made before 2nd October 2000;
- (d) subsection (4) is to continue to have effect where the directions for a person's removal from the United Kingdom were given before 2nd October 2000.

(3) Where an appeal is made under Part II of the 1971 Act (including that Part as it applies by virtue of Schedule 2)—

- (a) section 9A (bail pending appeal from Immigration Appeal Tribunal), as amended by paragraphs 105 and 106 of Schedule 14 to the 1999 Act, is not to have effect;
- (b) the reference in section 9A (without the amendments made by the 1999 Act) to section 9 (appeals from Immigration Appeal Tribunal) is to include a reference to paragraph 23 of Schedule 4 to the 1999 Act (appeals from Immigration Appeal Tribunal).

(4) Where an appeal is made under section 8, the section 8 appeals provisions are to continue to have effect.

(5) In this paragraph “the section 8 appeals provisions” means—

- (a) paragraph 1 of Schedule 2 (asylum appeal rights to replace rights under the 1971 Act);
- (b) paragraph 2 of Schedule 2 (scope of asylum right of appeal);
- (c) paragraph 3 of Schedule 2 (other grounds for appeal);

- (d) paragraph 5 of Schedule 2 (special appeals procedures for claims without foundation);
- (e) paragraph 6 of Schedule 2 (exception for national security);
- (f) paragraph 7 of Schedule 2 (suspension of variation of limited leave pending appeal);
- (g) paragraph 8 of Schedule 2 (deportation order not to be made while appeal pending);
- (h) paragraph 9 of Schedule 2 (stay of removal directions pending appeal and bail).

(6) Where an appeal is made under section 8, the reference in paragraph 5 of Schedule 2 to section 20(1) of the 1971 Act (appeals to the Immigration Appeal Tribunal) is to include a reference to paragraph 22(1) of Schedule 4 to the 1999 Act (appeals to the Immigration Appeal Tribunal).

Transitional provisions relating to the appeals provisions of the 1996 Act

4.—(1) Sections 2 (removal etc of asylum claimants to safe third countries) and 3 (appeals against certificates under section 2) of the 1996 Act are to continue to have effect where a certificate under section 2(1) of that Act has been issued before 2nd October 2000.

(2) Where an appeal is made under section 3(1) of the 1996 Act, section 3(6) of that Act (grant of bail pending appeal) is to continue to have effect.

Transitional provisions relating to the 1997 Act

5.—(1) Section 2(2) of the 1997 Act (appeals to the Commission), as amended by paragraph 120 of Schedule 14 to the 1999 Act, is not to have effect where the refusal of entry clearance was made before 2nd October 2000.

(2) Subsections (1) to (6) of section 2A of the 1997 Act (jurisdiction: human rights), as inserted by paragraph 121 of Schedule 14 to the 1999 Act, are not to have effect where the appealable decision was taken before 2nd October 2000.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force the following provisions of the Immigration and Asylum Act 1999 (the 1999 Act), so far as not already in force. Apart from sections 32 and 34 to 37 which come into force for certain additional purposes on 18th September 2000, the provisions come into force on 2nd October 2000:

- (a) section 3, which makes provision for the continuation of limited leave to enter or remain after a person has applied for such leave to be varied, pending the decision of the Secretary of State on the application;
- (b) section 10, which makes provision for certain persons who were previously subject to deportation to be removed;
- (c) sections 11 and 12, which make provision for the removal of asylum claimants to Member States and other countries;
- (d) section 23, which replaces subsections (3AA) and (3AB) of section 13 of the Immigration Act 1971 (the 1971 Act) and makes provision for the monitoring of entry clearance refusals;
- (e) section 29, which amends the provisions of the 1971 Act concerning facilitation;
- (f) sections 32 and 34 to 37, for the additional purposes of enabling regulations to be made under section 39 applying the civil penalty to rail freight;
- (g) Part IV (except for section 79), which makes provision for immigration appeal rights and for the procedures regulating immigration appeals;
- (h) certain consequential amendments and transitional provisions in Schedules 14 and 15, together with entries in the repeals Schedule, Schedule 16.

This Order also makes transitional provisions.

Where a person who has limited leave to enter or remain in the United Kingdom applies for it to be varied before his leave expires and before 2nd October 2000, section 3 of the 1999 Act will only apply to him if no decision in respect of his application has been made before 2nd October 2000. If a decision has been taken before this date, the Immigration (Variation of Leave) Order 1976(a) will continue to apply to him.

Section 10 of the 1999 Act does not apply where the Secretary of State has served notice of intention to deport before 2nd October 2000 or where the person in question has applied for leave to remain in accordance with the Immigration (Regularisation Period for Overstayers) Regulations 2000. In such circumstances, the person will continue to be subject to deportation under section 5 of the 1971 Act, and section 15 of the 1971 Act and section 5 of the Immigration Act 1988 will continue to apply (see paragraphs 11 and 12 of Schedule 15 to the 1999 Act).

The appeal rights in Part IV to the 1999 Act apply only to decisions taken on or after 2nd October 2000. The appeal rights contained in the 1971 Act, the Asylum and Immigration Appeals Act 1993 and the Asylum and Immigration Act 1996 continue to apply to decisions taken before 2nd October 2000. However, the provisions in Part IV which govern appeals procedure apply to all appeal rights.

This Order also makes a consequential amendment to section 46(3)(a) of the Criminal Justice Act 1991 to take into account the fact that some people who were previously liable to deportation under section 3(5) of the 1971 Act are now liable to removal under section 10 of the 1999 Act.

(a) S.I. 1976/1572, as amended by S.I. 1989/1005 and S.I. 1993/1657.

NOTE AS TO EARLIER COMMENCEMENT ORDERS*(This note is not part of the Order)*

The following provisions of the Immigration and Asylum Act 1999 have been or will be brought into force on the dates shown by commencement orders before the date of this Order.

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|--|-----------------------------|-----------------|
| Sections 1 and 2 (Leave to enter; leave to remain). | 14th February 2000 | 2000/168 |
| Sections 6 and 7 (Members of Missions other than diplomatic agents; Persons ceasing to be exempt). | 1st March 2000 | 2000/168 |
| Section 8 (Persons excluded from the United Kingdom under International Obligations). | 1st March 2000 | 2000/168 |
| Section 10(6) (Removal directions: prescribed class of persons to whom they may be given; imposition of prescribed requirements). | 22nd May 2000 | 2000/1282 |
| Section 12(1) (in part) (Designation of countries other than EU Member States to which asylum claimants may be removed). | 22nd May 2000 | 2000/1282 |
| Section 14 (Escorts for persons removed from the United Kingdom under directions). | 1st March 2000 | 2000/168 |
| Section 18 (in part) (Passenger information). | 1st March 2000 | 2000/464 |
| Sections 18 (so far as not already in force) and 19 (Notification of non-EEA arrivals). | 3rd April 2000 | 2000/464. |
| Sections 20 and 21 (Supply of information to and by Secretary of State). | 1st January 2000 | 1999/3190 |
| Sections 28, 29(1) (in part) (2) and (4) and 30 (Offences). | 14th February 2000 | 2000/168 |
| 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 | 1999/3190 |
| Section 33 (Clandestine entrants: Code of practice). | 6th December 1999 | 1999/3190 |
| 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 | 1999/3190 |
| Section 36(2)(a) (in part) (Clandestine entrants: prescribed period for payment of penalty). | 6th December 1999 | 1999/3190 |
| Section 37(6) (in part) (Sale of transporters). | 6th December 1999 | 1999/3190 |
| Sections 32 and 34 to 37 (in part) (so far as not already in force) (Clandestine entrants). | 3rd April 2000 | 2000/464 |
| Section 38 (Assisting illegal entry and harbouring). | 3rd April 2000 | 2000/464 |

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|--|-----------------------------|-----------------|
| Section 39 (in part) (Clandestine entrants: Rail freight). | 6th December 1999 | 1999/3190 |
| Section 40 (9) and (10) (Carriers' Liability: trains: international agreement for controls). | 6th December 1999 | 1999/3190 |
| Section 42(8) (in part) (Sale of transporters). | 6th December 1999 | 1999/3190 |
| Section 43 (Interpretation of Part II). | 6th December 1999 | 1999/3190 |
| Sections 56 (The Immigration Appeal Tribunal) and 57 (Adjudicators). | 14th February 2000 | 2000/168 |
| Section 58(2) (in part) (Part I of Schedule 4 to the Act). | 14th February 2000 | 2000/168 |
| Section 58(2) (in part) (Part I of Schedule 4 to the Act). | 22nd May 2000 | 2000/1282 |
| Section 60(6) and (10) (Family visitor appeals: fees; definition of family visitor). | 22nd May 2000 | 2000/1282 |
| Section 72(3) (in part) (Miscellaneous Limitations on rights of appeal). | 22nd May 2000 | 2000/1282 |
| Section 74 (in part) (One-stop procedure: duty to disclose grounds for appeal etc). | 22nd May 2000 | 2000/1282 |
| Section 75 (in part) (One-stop procedure: duty to disclose grounds for entering etc the United Kingdom). | 22nd May 2000 | 2000/1282 |
| Section 76(6) (Result of failure to comply with section 74: definition of family member etc). | 22nd May 2000 | 2000/1282 |
| Section 80 (EEA Nationals). | 22nd May 2000 | 2000/1282 |
| Section 82 (Interpretation of Part V). | 22nd May 2000 | 2000/1282 |
| Section 83 (in part) (The Commissioner). | 22nd May 2000 | 2000/1282 |
| Section 83(4) and (5) (The Commissioner) (so far as not already in force). | 30th October 2000 | 2000/1985 |
| Section 84(2)(a) and (b), (4)(a) and (d), (5) and (7) (Provision of immigration services). | 30th October 2000 | 2000/1985 |
| Section 85(3) (Schedule 6). | 1st August 2000 | 2000/1985 |
| Section 85 (Registration and exemption by the Commissioner) (so far as not already in force). | 30th October 2000 | 2000/1985 |
| Section 86(1) to (9) (Designated professional bodies). | 22nd May 2000 | 2000/1282 |
| Section 86(10) to (12) (Designated professional bodies). | 30th October 2000 | 2000/1985 |
| Section 87(5) (The Tribunal). | 1st August 2000 | 2000/1985 |
| Section 87 (The Tribunal) (so far as not already in force). | 30th October 2000 | 2000/1985 |
| Section 88 (Appeal upheld by the Tribunal). | 30th October 2000 | 2000/1985 |
| Section 89 (Disciplinary charge upheld by the Tribunal). | 30th October 2000 | 2000/1985 |
| Section 90 (Orders by disciplinary bodies). | 1st August 2000 | 2000/1985 |
| Section 93 (Information). | 22nd May 2000 | 2000/1282 |

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|-----------------------------|-----------------|
| Section 95(3) to (8) (in part) (Persons for whom support may be provided). | 6th December 1999 | 1999/3190 |
| Section 95 (in part). | 1st January 2000 | 1999/3190 |
| Section 97 (in part) (Supplemental provisions on provision of support). | 1st January 2000 | 1999/3190 |
| Section 98(3) (in part) (Temporary support). | 1st March 2000 | 2000/464 |
| Section 104 (Asylum support: Secretary of State's Rules). | 1st January 2000 | 1999/3190 |
| Section 110(9) (Definition of "Northern Ireland authority" for the purposes of section 110). | 6th December 1999 | 1999/3190 |
| Section 114 (in part) (Overpayments). | 1st January 2000 | 1999/3190 |
| Section 115 (in part) (Exclusion from benefits). | 1st January 2000 | 1999/3190 |
| Section 116 (Amendment of section 21 of the National Assistance Act 1948). | 6th December 1999 | 1999/3190 |
| 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 | 1999/3190 |
| Section 118 (in part) (Housing authority accommodation). | 1st January 2000 | 1999/3190 |
| Section 118 (so far as not already in force) (Housing authority accommodation). | 1st March 2000 | 2000/464 |
| Section 119 (in part) (Homelessness: Scotland and Northern Ireland). | 1st January 2000 | 1999/3190 |
| Section 119 (so far as not already in force) (Homelessness: Scotland and Northern Ireland). | 1st March 2000 | 2000/464 |
| Sections 120 and 121 (in part) (Other restrictions on assistance: Scotland and Northern Ireland). | 1st March 2000 | 2000/464 |
| Section 122 (in part) (Support for children). | 1st March 2000 | 2000/464 |
| Section 123 (in part) (Backdating of benefits where person recorded as refugee). | 1st January 2000 | 1999/3190 |
| Part VI (so far as not already in force and except section 117(5)) (Support for asylum seekers). | 3rd April 2000 | 2000/464 |
| Sections 128 to 139 (Powers to arrest and search). | 14th February 2000 | 2000/168 |
| Section 147 (Interpretation of Part VIII). | 1st August 2000 | 2000/1985 |
| Section 148(3) (Management of detention centres). | 1st August 2000 | 2000/1985 |
| Section 149(1), (3), (6)(a) and (9) (Detention centres: Contracting out). | 1st August 2000 | 2000/1985 |
| Section 152(2) and (3) (Visiting Committees: functions). | 1st August 2000 | 2000/1985 |
| Section 153 (Detention centre rules). | 1st August 2000 | 2000/1985 |

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| Section 154 (in part) (Detainee Custody Officers). | 3rd April 2000 | 2000/464 |
| Section 154(7) (Schedule 11). | 1st August 2000 | 2000/1985 |
| Section 155(2) (Schedule 12). | 1st August 2000 | 2000/1985 |
| Section 156(5) (Schedule 13). | 1st August 2000 | 2000/1985 |
| Section 157 (Short-term holding facilities). | 1st August 2000 | 2000/1985 |
| Section 165 (in part) (Procedural requirements as to applications). | 22nd May 2000 | 2000/1282 |
| Section 169(1) and (2) (in part) (Minor and consequential amendments and transitional provisions). | 6th December 1999 | 1999/3190 |
| Section 169 (in part). | 14th February 2000 | 2000/168 |
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| Section 169(1) and (3) (in part) (so far as not already in force) (Minor and consequential amendments and repeals). | 3rd April 2000 | 2000/464 |
| Section 169(1) (in part) (Schedule 14). | 1st August 2000 | 2000/1985 |
| In Schedule 1, paragraphs 2 and 5 (Sale of transporters). | 6th December 1999 | 1999/3190 |
| Schedule 1 (so far as not already in force) (Sale of transporters). | 3rd April 2000 | 2000/464 |
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| In Schedule 4 (Appeals), paragraphs 3 to 5. | 14th February 2000 | 2000/168 |
| In Schedule 4 (Appeals), paragraph 1 (Notice of appealable matters). | 22nd May 2000 | 2000/1282 |
| In Schedule 5 (The Immigration Services Commissioner), paragraphs 1(1), (2) and (4), 2(1) to (4) and (6) to (8), 3(1) to (3) and (5) to (7), 4, 5(1) to (3), 6(1) and 11 to 25. | 22nd May 2000 | 2000/1282 |
| Schedule 5 (Regulatory functions) (so far as not already in force). | 30th October 2000 | 2000/1985 |
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| In Schedule 7, paragraphs 7 and 8(3). | 1st August 2000 | 2000/1985 |
| Schedule 7 (so far as not already in force). | 30th October 2000 | 2000/1985 |
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| In Schedule 11 (Detainee custody officers) paragraphs 1 and 7(1). | 3rd April 2000 | 2000/464 |
| In Schedule 11, paragraphs 2(1)(a) and 7(2) and (3) (Detainee custody officers). | 1st August 2000 | 2000/1985 |
| In Schedule 12, paragraphs 1, 2 and 3(7) (Discipline etc at detention centres). | 1st August 2000 | 2000/1985 |
| In Schedule 13, paragraph 2(1)(a) and (4) (Escort arrangements). | 1st August 2000 | 2000/1985 |

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|--|-----------------------------|-----------------|
| In Schedule 14, paragraph 54 (Proof of documents). | 6th December 1999 | 1999/3190 |
| In Schedule 14, paragraph 117 (Amendment of section 512(3) of the Education Act 1996). | 6th December 1999 | 1999/3190 |
| In Schedule 14, paragraphs 43 (in part), 44(1), 45, 49 (in part), 50, 51, 53, 56 to 60, 62(1), (3) and (4), 63, 64, 67, 68, 71, 72, 80(1) (in part), (2) and (3), 90(1) (in part), (2) and (3), 91, 94 (in part), 95, 96, 98, 108 (in part), 109, 118 (in part) and 125 (Minor and consequential provisions). | 14th February 2000 | 2000/168 |
| In Schedule 14, paragraphs 43 (in part), 52(1) (in part) and 3(a), 108 (in part) and 110 (Minor and consequential provisions). | 1st March 2000 | 2000/464 |
| In Schedule 14, paragraphs 43 (in part), 52(1) (in part) and 3(b), 74, 76, 92, 93, 99 (in part), 101, 108 (in part) and 111 to 113 (Minor and consequential provisions). | 3rd April 2000 | 2000/464 |
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| In Schedule 16, the entries relating to the Immigration Act 1971 (in part), the House of Commons Disqualification Act 1975, the Northern Ireland Assembly Disqualification Act 1975, the Courts and Legal Services Act 1990, the Judicial Pensions and Retirement Act 1993 and the Asylum and Immigration Act 1996 (in part). | 14th February 2000 | 2000/168 |
| In Schedule 16 (Repeals) the provisions relating to section 9 of the Asylum and Immigration Act 1996 and Paragraph 3 of Schedule 6 to the Housing Act 1996. | 1st March 2000 | 2000/464 |
| In Schedule 16 (Repeals) the entries relating to the Social Security Contributions and Benefits Act 1992, the Social Security and Benefits (Northern Ireland) Act 1992, sections 3 and 4 of, and Schedule 1 to, the Asylum and Immigration Act 1993 and sections 10 and 11 of, and Schedule 1 to, the Asylum and Immigration Act 1996. | 3rd April 2000 | 2000/464 |

STATUTORY INSTRUMENTS

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