

2003 No. 2 (C. 2)

IMMIGRATION

**The Immigration and Asylum Act 1999 (Commencement
No. 12) Order 2003**

Made - - - - - 4th January 2003

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

Citation

1. This Order may be cited as the Immigration and Asylum Act 1999 (Commencement No. 12) Order 2003.

Commencement

2. The provisions of the Immigration and Asylum Act 1999 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.

Home Office
4th January 2003

Beverley Hughes
Minister of State

(a) 1999 c. 33.

SCHEDULE

Article 2

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|--|--------------------|--|
| Section 25 (provision of facilities for immigration control at ports) | 17th February 2003 | For the purpose of enabling the Secretary of State to exercise the power to make subordinate legislation |
| Section 25 (provision of facilities for immigration control at ports) (so far as not already in force) | 1st April 2003 | |
| Section 53(1) to (4), (6) and (7) (applications for bail in immigration cases) | 10th February 2003 | |
| Section 54 (extension of right to apply for bail in deportation cases) | 10th February 2003 | |

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 10th February 2003 section 53(1) to (4), (6) and (7), and section 54 of the Immigration and Asylum Act 1999. This Order also brings into force section 25 of that Act on 17th February 2003 for the purpose of enabling the Secretary of State to make subordinate legislation under section 25, and brings section 25 into force, so far as not already in force, on 1st April 2003.

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 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 |
| Section 3 (Continuation of leave pending decision). | 2nd October 2000 | 2000/2444 |
| 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 10 (Removal of certain persons unlawfully in the United Kingdom) (so far as not already in force). | 2nd October 2000 | 2000/2444 |
| Section 11 (Removal of asylum claimants under standing arrangements with Member States). | 2nd October 2000 | 2000/2444 |
| 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 12 (Removal of asylum claimants other than under standing arrangements with Member States) (so far as not already in force). | 2nd October 2000 | 2000/2444 |
| Section 13 (Proof of identity of persons to be removed or deported). | 11th December 2000 | 2000/3099 |
| 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 |
| Section 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 |

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|-----------------------------|-----------------|
| Section 22 (Restrictions on employment: code of practice) (For the purposes of laying a draft code before Parliament and enabling subordinate legislation to be made under section 8A of the Asylum and Immigration Act 1996)(a) | 19th January 2001 | 2001/239 |
| Section 22 (Employment: code of practice) (so far as not already in force). | 2nd May 2001 | 2001/1394 |
| Section 23 (Monitoring refusals of entry clearance). | 2nd October 2000 | 2000/2444 |
| Section 24 (Reporting suspicious marriages). | 1st January 2001 | 2000/2698 |
| Sections 28, 29(1) (in part) (2) and (4) and 30 (Offences). | 14th February 2000 | 2000/168 |
| Section 29 (Facilitation of entry) (so far as not already in force). | 2nd October 2000 | 2000/2444 |
| 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 |
| Sections 32, 34, 35, 36 and 37 (for the purposes of clandestine entrants (within the meaning of section 32 (1) of the Act) who arrive in the United Kingdom concealed in a rail freight wagon as defined in section 43) (clandestine entrants). | 8th December 2002 | 2002/2815 |
| 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 32 and 34 to 37 (in part) (so far as not already in force). | 18th September 2000 | 2000/2444 |
| Section 38 (Assisting illegal entry and harbouring). | 3rd April 2000 | 2000/464 |
| Section 39 (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 41 (visas for transit passengers). | 8th December 2002 | 2002/2815 |
| 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 |

(a) 1996 c. 49. Section 8A is inserted by section 22 of the Immigration and Asylum Act 1999 (c. 33).

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|-----------------------------|-----------------|
| 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 |
| Part IV (appeals) (including Schedules 2, 3 and 4) (except for section 79 and so far as not already in force). | 2nd October 2000 | 2000/2444 |
| 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 84 (provision of immigration services) (so far as not already in force). | 30th April 2001 | 2001/1394 |
| 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) (for the purposes of enabling subordinate legislation to be made under them). | 22nd May 2000 | 2000/1282 |
| Section 86(10) to (12) (Designated professional bodies). | 30th October 2000 | 2000/1985 |
| Section 86 (Designated professional bodies) (so far as not already in force). | 30th April 2001 | 2001/1394 |
| 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) (for the purposes of enabling subordinate legislation to be made under it). | 1st August 2000 | 2000/1985 |
| Section 90 (Orders by disciplinary bodies) (so far as not already in force). | 30th April 2001 | 2001/1394 |

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|--|-----------------------------|-----------------|
| Section 91 (Offences). | 30th April 2001 | 2001/1394 |
| Section 92 (Enforcement). | 30th April 2001 | 2001/1394 |
| Section 93 (Information). | 22nd May 2000 | 2000/1282 |
| 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 |
| Section 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 |
| Part VI (so far as not already in force and except section 117(5)) (Support for asylum seekers). | 3rd April 2000 | 2000/464 |
| Section 123 (in part) (Backdating of benefits where persons recorded as refugees). | 1st January 2000 | 1999/3190 |
| Sections 128 to 139 (Powers to arrest and search). | 14th February 2000 | 2000/168 |
| Sections 141 to 144 (Fingerprinting; Attendance for fingerprinting, Destruction of fingerprints and Other methods of collecting data about physical characteristics). | 11th December 2000 | 2000/3099 |
| Section 147 (Interpretation of Part VIII). | 1st August 2000 | 2000/1985 |
| Section 148(3) (Management of detention centres). | 1st August 2000 | 2000/1985 |

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|-----------------------------|-----------------|
| Section 148 (so far as not already in force) (Management of detention centres). | 2nd April 2001 | 2001/239 |
| Section 149(1), (3), (6)(a) and (9) (Detention centres: Contracting out). | 1st August 2000 | 2000/1985 |
| Section 149 (so far as not already in force) (Contracting out of certain detention centres). | 2nd April 2001 | 2001/239 |
| Section 150 (Contracted out functions at directly managed detention centres). | 2nd April 2001 | 2001/239 |
| Section 151 (Intervention by Secretary of State). | 2nd April 2001 | 2001/239 |
| Section 152(2) and (3) (Visiting Committees: functions). | 1st August 2000 | 2000/1985 |
| Section 152 (so far as not already in force) (Visiting committees and inspections). | 2nd April 2001 | 2001/239 |
| Section 153 (Detention centre rules). | 1st August 2000 | 2000/1985 |
| Section 153 (so far as not already in force) (Detention Centre rules). | 2nd April 2001 | 2001/239 |
| Section 154 (in part) (Detainee Custody Officers). | 3rd April 2000 | 2000/464 |
| Section 154(7) (Schedule 11). | 1st August 2000 | 2000/1985 |
| Section 154 (so far as not already in force) (Detainee Custody Officers). | 2nd April 2001 | 2001/239 |
| Section 155(2) (Schedule 12). | 1st August 2000 | 2000/1985 |
| Section 155 (so far as not already in force) (Custodial functions and discipline etc at detention centres). | 2nd April 2001 | 2001/239 |
| Section 156(5) (Schedule 13). | 1st August 2000 | 2000/1985 |
| Section 156 (so far as not already in force) (Arrangements for the provision of escorts and custody). | 2nd April 2001 | 2001/239 |
| Section 157 (Short-term holding facilities). | 1st August 2000 | 2000/1985 |
| Section 157 (so far as not already in force) (Short-term holding facilities). | 2nd April 2001 | 2001/239 |
| Section 158 (Wrongful disclosure of information). | 2nd April 2001 | 2001/239 |
| Section 159 (Power of constable to act outside his jurisdiction). | 2nd April 2001 | 2001/239 |
| Sections 160 to 163 (Registrar's Certificates: procedure). | 1st January 2001 | 2000/2698 |
| 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) (Schedule 14). | 14th February 2000 | 2000/168 |
| Section 169(1) and (3) (in part) (Minor and consequential amendments and repeals). | 1st March 2000 | 2000/464 |

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|-----------------------------|-----------------|
| 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 |
| Section 169 (Schedules 14 to 16). | 2nd October 2000 | 2000/2444 |
| Section 169(1) and (3) (Schedules 14 and 16). | 1st January 2001 | 2000/2698 |
| Section 169(1) and (3) (in part) (Minor and consequential amendments and repeals). | 11th December 2000 | 2000/3099 |
| 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 |
| Schedules 2 (The Immigration Appeal Tribunal) and 3 (Adjudicators). | 14th February 2000 | 2000/168 |
| In Schedule 4 (Appeals), paragraph 1 (Notice of appealable matters). | 22nd May 2000 | 2000/1282 |
| In Schedule 4 (Appeals), paragraphs 3 to 5. | 14th February 2000 | 2000/168 |
| 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 |
| In Schedule 6, paragraph 5(1) (Immigration Services Commissioner: Registration fees). | 1st August 2000 | 2000/1985 |
| Schedule 6 (so far as not already in force). | 30th October 2000 | 2000/1985 |
| Schedule 7 (so far as not already in force). | 30th October 2000 | 2000/1985 |
| Schedule 8 (Provision of support: regulations). | 1st January 2000 | 1999/3190 |
| 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 |
| Schedule 11 (so far as not already in force). | 2nd April 2001 | 2001/239 |
| In Schedule 12, paragraphs 1, 2 and 3(7) (Discipline etc at detention centres). | 1st August 2000 | 2000/1985 |
| Schedule 12 (so far as not already in force). | 2nd April 2001 | 2001/239 |
| In Schedule 13, paragraph 2(1)(a) and (4) (Escort arrangements). | 1st August 2000 | 2000/1985 |
| Schedule 13 (so far as not already in force). | 2nd April 2001 | 2001/239 |
| In Schedule 14, paragraph 54 (Proof of documents). | 6th December 1999 | 1999/3190 |
| In Schedule 14, paragraph 61. | 11th December 2000 | 2000/3099 |
| In Schedule 14, paragraph 117 (Amendment of section 512(3) of the Education Act 1996). | 6th December 1999 | 1999/3190 |

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|--|-----------------------------|-----------------|
| 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 118 (in part) and 129 (Notices of decisions which are appealable under the Special Immigration Appeals Commission Act 1997). | 1st August 2000 | 2000/1985 |
| 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 |
| 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 | 2000/2444 |
| In Schedule 14, paragraphs 1 to 32, 37 to 42 and 77. | 1st January 2001 | 2000/2698 |
| In Schedule 15, paragraphs 5, 6 and 9 (Transitional provisions in relation to section 116 and subsections (1) and (2) of section 117). | 6th December 1999 | 1999/3190 |
| In Schedule 15, paragraphs 1, 3, 4(b) and 14 (Transitional provisions). | 14th February 2000 | 2000/168 |
| In Schedule 15 (Transitional provisions and savings), paragraphs 11 and 12. | 2nd October 2000 | 2000/2444 |
| 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 entries 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 |

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|-----------------------------|-----------------|
| 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 |
| 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 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. | 2nd October 2000 | 2000/2444 |
| In Schedule 16 (Repeals) the entries relating to the Marriage Act 1949(b); the Family Law Reform Act 1969 and the Marriage (Registrar General's Licence) Act 1970(c). | 1st January 2001 | 2000/2698 |
| In Schedule 16 (Repeals) the entry relating to section 3 of the Asylum and Immigration Appeals Act 1993. | 11th December 2000 | 2000/3099 |
| Schedule 16 (Repeals) (the entries relating to section 12 of the Asylum and Immigration Appeals Act 1993 and the Immigration (Carriers' Liability) Act 1987. | 8th December 2002 | 2002/2815 |

(a) 1988 c. 14.
(b) 1949 c. 76.
(c) 1970 c. 34.

STATUTORY INSTRUMENTS

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No. 12) Order 2003**

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