



Immigration and Asylum Act 1999

CHAPTER 33

IMMIGRATION AND ASYLUM ACT 1999

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Duty to obtain best price

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Application of proceeds of sale

- 5 (1) Any proceeds of sale arising from a sale under...

SCHEDULE 2 — The Immigration Appeal Tribunal

Members

- 1 (1) The members of the Tribunal are to be appointed...

President and Deputy President

- 2 (1) The Lord Chancellor must appoint one legally qualified member...

Term of office

- 3 (1) Each member of the Tribunal— (a) is to hold...

Remuneration

4 The Lord Chancellor must pay to the members such remuneration...

Compensation

5 If a person ceases to be a member and it...

Proceedings

6 (1) For the purpose of hearing and determining appeals under...

Staff

7 (1) The Lord Chancellor may appoint such staff for the...

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1 (1) The Lord Chancellor may appoint one of the adjudicators...

Qualification for appointment

2 A person is qualified for appointment as an adjudicator only...

Term of office

3 (1) Each adjudicator— (a) is to hold and vacate his...

Remuneration

4 The Lord Chancellor must pay to the adjudicators such remuneration...

Compensation

5 If a person ceases to be an adjudicator and it...

Proceedings

6 (1) The adjudicators must sit at such times and at...

Staff

7 (1) The Lord Chancellor may appoint such staff for the...

SCHEDULE 4 — Appeals

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Notice of appealable matters

1 (1) The Secretary of State may by regulations provide—

Service of notices

2 If a notice given under regulations made under paragraph 1...

Lord Chancellor's rules of procedure

3 The Lord Chancellor may make rules— (a) for regulating the...

- 4 (1) The rules may include provision— (a) enabling appeals to...

Practice directions

- 5 (1) The President of the Tribunal may give directions as...

Hearings in private

- 6 (1) Sub-paragraph (2) applies if, on an appeal under Part...

Leave to appeal

- 7 If, under the rules, leave to appeal to the Tribunal...

Offences

- 8 A person who is required under or in accordance with...

Convention cases

- 9 (1) This paragraph applies to an appeal under Part IV...
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- 10 If a person in the United Kingdom appeals under section...
11 If a person in the United Kingdom appeals under section...
12 But the provisions of Part I of Schedule 2 or,...
13 In calculating the period of two months limited by paragraph...
14 For the purposes of paragraphs 10 to 12 (but not...
15 If directions are given under Part I of Schedule 2...

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- 16 A variation is not to take effect while an appeal...

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- 17 (1) While an appeal under section 61 or 69(2) is...

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Extension of scope of the Code

- 4 (1) The Secretary of State may by order provide for...

Investigation of complaints

- 5 (1) The Commissioner must establish a scheme ("the complaints
scheme")...
6 (1) The complaints scheme must provide for a person who...

Power to enter premises

- 7 (1) This paragraph applies if— (a) the Commissioner is investigating...

Determination of complaints

- 8 (1) On determining a complaint under the complaints scheme, the...
9 (1) On determining a complaint under the complaints scheme, the...

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- 10 (1) This paragraph applies if the Commissioner refers a complaint...
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- 11 (1) The Commissioner is to be a corporation sole.

Period of office

- 12 (1) The Commissioner— (a) is to hold office for a...

Terms and conditions of appointment

- 13 Subject to the provisions of this Schedule, the Commissioner is...

Remuneration, expenses and pensions

- 14 (1) There is to be paid to the Commissioner such...

Compensation

15 If a person ceases to be the Commissioner, otherwise than...

Deputy Commissioner

16 (1) The Secretary of State must appoint a person to...

Staff

17 (1) Subject to obtaining the approval of the Secretary of...

Expenditure

18 The Secretary of State may pay to the Commissioner—

Receipts

19 (1) Subject to any general or specific directions given to...

Accounts and records

20 (1) The Commissioner must— (a) keep proper accounts and proper...

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21 (1) The Commissioner must, as soon as is practicable after...

Proof of instruments

22 A document purporting to be an instrument issued by the...

Disqualification for House of Commons

23 In Part III of Schedule 1 to the House of...

Disqualification for Northern Ireland Assembly

24 In Part III of Schedule 1 to the Northern Ireland...

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25 In Schedule 2 of the Parliamentary Commissioner Act 1967
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2 (1) If the Commissioner considers that an applicant for registration...

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Members

1 (1) The Tribunal is to consist of such number of...

The President

2 The Tribunal is to have a President appointed by the...

Terms and conditions of appointment

3 (1) Each member is to hold and vacate office in...

Remuneration and expenses

4 The Lord Chancellor may pay to any member such remuneration...

Proceedings

5 The Tribunal is to sit at such times and in...

6 (1) The Commissioner is entitled to be represented before the...

Rules of procedure

7 (1) The Lord Chancellor may make rules as to the...

Suspending the effect of a relevant decision

8 (1) A relevant decision of the Commissioner is not to...

Staff

9 (1) The Lord Chancellor may appoint such staff for the...

Expenditure

10 The Lord Chancellor may pay such other expenses of the...

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11 A person is legally qualified for the purposes of this...

Disqualification for House of Commons

12 In Part I of Schedule 1 to the House of...

Disqualification for Northern Ireland Assembly

13 In Part I of Schedule 1 to the Northern Ireland...

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1 The Secretary of State may by regulations make such further...

Determining whether a person is destitute

2 (1) The regulations may provide, in connection with determining whether...

Prescribed levels of support

3 The regulations may make provision— (a) as to the circumstances...

Provision of items and services

4 The regulations may make provision for prescribed items or services...

Support and assets to be taken into account

5 The regulations may make provision requiring the Secretary of State,...

Valuation of assets

6 The regulations may make provision as to the valuation of...

Breach of conditions

7 The regulations may make provision for the Secretary of State...

Suspension or discontinuation of support

8 (1) The regulations may make provision for the suspension or...

Notice to quit

9 (1) The regulations may provide that if—

Contributions to support

10 The regulations may make provision requiring a supported person to...

Recovery of sums by Secretary of State

11 (1) The regulations may provide for the recovery by the...

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12 The regulations may make provision with respect to procedural requirements...

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1 (1) The Secretary of State may by regulations make provision...

2 (1) The regulations must provide for the question whether a...

- 3 Subsections (3) to (8) of section 95 apply for the...
- 4 The regulations may prescribe circumstances in which support for an...
- 5 The regulations may provide that support— (a) is to be...
- 6 The regulations may include provision— (a) as to the level...
- 7 The regulations may make provision that, in providing support, a...
- 8 The regulations may include provision— (a) prescribing particular areas, or...
- 9 (1) The regulations may make provision for the referral by...
- 10 (1) The regulations may make provision for the referral of...
- 11 The regulations may make provision requiring prescribed local authorities or...
- 12 The regulations may make provision for the procedure for making...
- 13 The regulations may make provision for an asylum-seeker or a...
- 14 A person entitled to support under the regulations is not...
- 15 “The interim period” means the period— (a) beginning on such...

SCHEDULE 10 — Asylum Support Adjudicators

Adjudicators

- 1 (1) The Secretary of State must— (a) appoint such number...

Terms and conditions of appointment

- 2 (1) Each adjudicator is to hold and vacate office in...

Remuneration, expenses and pensions

- 3 (1) The Secretary of State may pay to any adjudicator...

Compensation

- 4 If a person ceases to be an adjudicator, otherwise than...

Staff

- 5 (1) The Secretary of State may appoint such staff for...

Expenditure

- 6 The Secretary of State may pay such other expenses of...

Proceedings

- 7 For the purpose of discharging their functions, adjudicators are to...

SCHEDULE 11 — Detainee Custody Officers

Obtaining certificates of authorisation by false pretences

- 1 A person who, for the purpose of obtaining a certificate...

Powers and duties of detainee custody officers

- 2 (1) A detainee custody officer exercising custodial functions has power
—...

Short-term holding facilities

3 (1) A detainee custody officer may perform functions of a...

Assaulting a detainee custody officer

4 A person who assaults a detainee custody officer who is—...

Obstructing detainee custody officers

5 A person who resists or wilfully obstructs a detainee custody...

Uniforms and badges

6 For the purposes of paragraphs 4 and 5, a detainee...

Suspension and revocation of certificates of authorisation

7 (1) If it appears to the Secretary of State that...

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Measuring and photographing detained persons

1 (1) Detention centre rules may (among other things) provide for...

Testing for drugs or alcohol

2 (1) If an authorisation is in force, a detainee custody...

Medical examinations

3 (1) This paragraph applies if— (a) an authorisation is in...

Assisting detained persons to escape

4 (1) A person who aids any detained person in escaping...

Alcohol

5 (1) A person who, contrary to detention centre rules, brings...

Introduction of other articles

6 (1) A person who— (a) conveys or attempts to convey...

Notice of penalties

7 (1) In the case of a contracted out detention centre,...

8 (1) In the case of a contracted out short-term holding...

SCHEDULE 13 — Escort Arrangements

Monitoring of escort arrangements

1 (1) Escort arrangements must include provision for the appointment of...

Powers and duties of detainee custody officers

2 (1) A detainee custody officer acting in accordance with escort...

Breaches of discipline

- 3 (1) Sub-paragraph (2) applies if a detained person for whose...

SCHEDULE 14 — Consequential Amendments

The Marriages (Ireland) Act 1844 (c. 81)

- 1 In Schedule (B) to the Marriages (Ireland) Act 1844, in...

The Marriage Law (Ireland) Amendment Act 1863 (c. 27)

- 2 In Schedule (A) to the Marriage Law (Ireland) Amendment Act...

The Marriage Act 1949 (c. 76)

- 3 The Marriage Act 1949 is amended as follows.
4 In section 3(1) (marriages of persons under 21)—
5 In section 5 (methods of authorising marriages), in paragraph (d),...
6 In section 17 (marriage under superintendent registrar's certificate)—
7 In section 25 (void marriages)— (a) in paragraph (b), for...
8 In section 27(1) (notice of marriage), for “a certificate” substitute...
9 In section 27A (additional information required in certain cases)—
10 In section 27B (provisions relating to section 1(3) marriages)—
11 In section 28(1) (declaration to accompany notice of marriage), omit...
12 In section 29 (caveat against issue of certificate or licence),...
13 In section 30 (provision for issue of certificate to be...
14 In section 31 (marriage certificates)— (a) in subsections (1) and...
15 For section 33 substitute— Period of validity of certificate (1) A
marriage may be solemnized on the authority of...
16 For section 34 substitute— Marriages normally to be solemnized in...
17 (1) Section 35 (marriages in registration district in which neither...
18 Omit section 36 (superintendent registrar not normally to issue
licences...
19 In section 37(1) (one party resident in Scotland)—
20 (1) Section 38 (one party resident in Northern Ireland) is...
21 In section 39(1) (issue of certificates on board Her Majesty's...
22 In section 40 (forms of certificates for marriage), omit subsection...
23 In section 44(1) (solemnization of marriage in registered buildings),
for...
24 In section 45(1) (solemnization of marriage in register office)—
25 In section 47(2) (marriages according to usages of Society of...
26 In section 48(1) (proof of certain matters not necessary to...
27 In section 49 (void marriages)— (a) in paragraph (b), after...
28 In section 50 (person to whom certificate to be delivered)—...
29 In section 51(1) (fees of registrars for attending marriages), omit...
30 (1) Section 75 (offences relating to solemnization of marriages) is...
31 In section 78(3) (interpretation), in paragraph (a), for “the notice”...
32 In Schedule 4 (provisions of Act which are excluded or...

The Prison Act 1952 (c. 52)

- 33 In section 55 of the Prison Act 1952 (provisions extending...

The Firearms Act 1968 (c. 27)

- 34 The Firearms Act 1968 is amended as follows.
 35 In Schedule 1 (offences for which there is an additional...
 36 In Schedule 2 (which lists corresponding Scottish offences), after
 paragraph...

The Family Law Reform Act 1969 (c. 46)

- 37 In section 2(3) (provisions relating to marriage), omit “or licence”...

The Marriage (Registrar General’s Licence) Act 1970 (c. 34)

- 38 The Marriage (Registrar General’s Licence) Act 1970 is amended as...
 39 In section 1(1) (marriages which may be solemnised by Registrar...
 40 In section 5 (caveat against issue of Registrar General’s licence),...
 41 In section 6 (marriage of persons under 18), for “a...
 42 In section 13 (void marriages)— (a) in paragraph (a), for...

The Immigration Act 1971 (c. 77)

- 43 The 1971 Act is amended as follows.
 44 (1) In section 3 (general provisions for regulation and control),...
 45 In section 4(1) (giving or refusal of leave to enter...
 46 In section 7(1) (exemption of certain residents from deportation)—
 47 (1) Section 10 (entry otherwise than by sea or air)...
 48 In section 11(1) (entry to the United Kingdom), at the...
 49 Omit Part II.
 50 In section 24 (illegal entry and similar offences), omit subsections...
 51 In section 25 (assisting illegal entry and harbouring), omit subsection...
 52 (1) Section 27 (offences by persons connected with ships or...
 53 In section 28(1) (time limits for proceedings) after “24,” insert...
 54 (1) Section 32 (proof of documents) is amended as follows...
 55 In section 33 (interpretation), for subsection (4) substitute—
 56 In Schedule 2 (administrative provisions as to control on entry),...
 57 In Schedule 2, after paragraph 2, insert— Examination of persons...
 58 In Schedule 2, in paragraph 4(1) and (2) (production of...
 59 In Schedule 2, for paragraph 7 substitute— Power to require...
 60 In Schedule 2, in paragraph 16 (detention of persons liable...
 61 In Schedule 2, in paragraph 18 (treatment of persons detained),...
 62 In Schedule 2, paragraph 21 (temporary admission of persons liable...
 63 In Schedule 2, in paragraph 22 (temporary release of persons...
 64 (1) In Schedule 2, paragraph 26 (supplementary duties of those...
 65 In Schedule 2, omit paragraph 28.
 66 In Schedule 2, in paragraph 29, for “13(1), 16 or...
 67 In Schedule 2, in paragraph 34 (grant of bail pending...
 68 In Schedule 3, in paragraph 2(4) (application of certain provisions...
 69 In Schedule 3 (supplementary provision as to deportation), in
 paragraph...
 70 In Schedule 4 (integration of United Kingdom and Islands
 immigration...

The House of Commons Disqualification Act 1975 (c. 24)

- 71 In Part III of Schedule 1 to the House of...

The Northern Ireland Assembly Disqualification Act 1975 (c. 25)

72 In Part III of Schedule 1 to the Northern Ireland...

The Protection from Eviction Act 1977 (c. 43)

73 In section 3A of the Protection from Eviction Act 1977...

The Education (Scotland) Act 1980 (c. 44)

74 Section 53 of the Education (Scotland) Act 1980 (requirement to...

The Firearms (Northern Ireland) Order 1981 (S.I. 1981/155 (N.I. 2))

75 In Schedule 1 to the Firearms (Northern Ireland) Order 1981...

The Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))

76 In Article 98(11) of the Magistrates' Courts (Northern Ireland) Order...

The Marriage Act 1983 (c. 32)

77 In section 1 of the Marriage Act 1983 (marriages of...

The Housing (Northern Ireland) Order 1983 (S.I. 1983/1118 (N.I. 15))

78 In Schedule 2 to the Housing (Northern Ireland) Order 1983...

The Rent (Scotland) Act 1984 (c. 58)

79 In section 23A of the Rent (Scotland) Act 1984 (excluded...

The Police and Criminal Evidence Act 1984 (c. 60)

80 (1) The Police and Criminal Evidence Act 1984 is amended...

The Housing Act 1985 (c. 68)

81 In Schedule 1 to the Housing Act 1985 (tenancies which...

The Housing (Scotland) Act 1987 (c. 26)

82 In Schedule 2 to the Housing (Scotland) Act 1987 (tenancies...

The Immigration Act 1988 (c. 14)

83 The Immigration Act 1988 is amended as follows.

84 Omit section 5 (restricted right of appeal against deportation in...

85 Omit section 8 (examination of passengers before arrival).

86 Omit section 9 (charges).

The Housing (Scotland) Act 1988 (c. 43)

87 In Schedule 4 to the Housing (Scotland) Act 1988 (tenancies...

The Housing Act 1988 (c. 50)

88 In Schedule 1 to the Housing Act 1988 (tenancies which...

The Prevention of Terrorism (Temporary Provisions) Act 1989 (c. 4)

89 (1) Paragraph 10 of Schedule 5 to the Prevention of...

The Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

90 (1) The Police and Criminal Evidence (Northern Ireland) Order 1989...

The Courts and Legal Services Act 1990 (c. 41)

91 (1) The Courts and Legal Services Act 1990 is amended...

The Social Security Contributions and Benefits Act 1992 (c. 4)

92 In the Social Security Contributions and Benefits Act 1992, omit...

The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)

93 In the Social Security Contributions and Benefits (Northern Ireland) Act...

The Tribunals and Inquiries Act 1992 (c. 53)

94 The Tribunals and Inquiries Act 1992 is amended as follows....

95 In Schedule 1 (tribunals under the supervision of the Council...

96 In Schedule 1, in paragraph 22— (a) in sub-paragraph (a),...

97 In Schedule 1, after paragraph 22, insert— Immigration services 22A....

The Judicial Pensions and Retirement Act 1993 (c. 8)

98 (1) The Judicial Pensions and Retirement Act 1993 is amended...

The Asylum and Immigration Appeals Act 1993 (c. 23)

99 The Asylum and Immigration Appeals Act 1993 is amended as...

100 Omit section 3 (fingerprinting).

101 Omit sections 4 and 5 and Schedule 1 (housing of...

102 (1) Omit section 6 (protection of asylum claimants from deportation...

103 Omit section 7 (curtailment of leave).

104 Omit sections 8, 9, 10 and 11 and Schedule 2...

105 For paragraph (a) of section 9A(1) (bail pending appeal from...

106 In section 9A(6), for “section 9 above” substitute “paragraph 23...

107 Omit section 12 (carriers' liability).

The Asylum and Immigration Act 1996 (c. 49)

108 The Asylum and Immigration Act 1996 is amended as follows....

109 Omit section 7 (power of arrest and search warrants).

110 Omit section 9 (entitlement to housing accommodation and assistance).

111 Omit section 10 (entitlement to child benefit).

112 Omit section 11 (saving for social security regulations).

113 Omit Schedule 1 (modifications of social security regulations).

114 In Schedule 2, omit sub-paragraphs (2) and (3) of paragraph...

115 In Schedule 3, omit paragraphs 1, 2 and 5 (which...

The Housing Act 1996 (c. 52)

116 In section 183(2) of the Housing Act 1996 (interpretation of...

The Education Act 1996 (c. 56)

117 In section 512(3) of the Education Act 1996 (requirement to...

The Special Immigration Appeals Commission Act 1997 (c. 68)

- 118 The Special Immigration Appeals Commission Act 1997 is amended
as...
- 119 In section 2 (appellate jurisdiction of the Commission), for subsection...
- 120 In section 2(2) for “subsection (2) of section 13 of...
- 121 After section 2 insert— Jurisdiction: human rights (1) A person who
alleges that an authority has, in...
- 122 In section 4 (determination of appeals), after subsection (1) insert—...
- 123 In section 7 (appeals from Commission), omit subsection (4).
- 124 After section 7, insert— Pending appeals (1) For the purposes of this
Act, an appeal to...
- 125 In Schedule 1 (supplementary provision as to Commission), in
paragraph...
- 126 In Schedule 2 (supplementary provisions as to appeals) for paragraphs...
- 127 In Schedule 2, in paragraph 4, for “the Immigration Act...
- 128 In Schedule 2, omit paragraph 5.
- 129 In Schedule 2, for paragraphs 6 and 7 substitute— Notice...

SCHEDULE 15 — Transitional Provisions and Savings

Leave to enter or remain

1 (1) An order made under section 3A of the 1971...

Section 2 of the Asylum and Immigration Act 1996

2 (1) This paragraph applies in relation to any time before...

Adjudicators and the Tribunal

3 (1) Each existing member of the Tribunal is to continue...

References to justices' chief executive

4 At any time before the coming into force of section...

Duties under National Assistance Act 1948

5 Section 116 has effect, in relation to any time before...

Duties under Health Services and Public Health Act 1968

6 Section 117(1) has effect, in relation to any time before...

Duties under Social Work (Scotland) Act 1968

7 Subsections (1) to (3) of section 120 have effect, in...

Duties under Health and Personal Social Services (Northern Ireland) Order 1972

8 Subsections (1) and (2) of section 121 have effect, in...

Status: This is the original version (as it was originally enacted).

Duties under National Health Service Act 1977

- 9 Section 117(2) has effect, in relation to any time before...

Duties under Mental Health (Scotland) Act 1984

- 10 Subsections (4) and (5) of section 120 have effect, in...

Appeals relating to deportation orders

- 11 Section 15 of the 1971 Act, section 5 of the...
12 (1) Sub-paragraph (2) applies if, on the coming into force...

Assistance under Part VII of the Housing Act 1996

- 13 (1) The Secretary of State may by order provide for...

Provision of support

- 14 (1) The Secretary of State may, by directions given to...

SCHEDULE 16 — Repeals