

SCHEDULE 2

Transitional provisions relating to the 1999 Act

6.—(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 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).

(3) Where a certificate is issued under section 11 (removal of asylum-seeker to third country), as substituted by section 80 of the 2002 Act, before 1st April 2003 and an allegation is made after 1st April the allegation may be certified under section 72(2) of the 1999 Act, notwithstanding its repeal by the provisions of the 2002 Act commenced by this Order, and that certification shall have effect for the purposes of an appeal under the old appeal provisions.

(4) Subject to the provisions of the Order and any other enactment sections 59 to 78 and Schedules 2 to 4 shall continue to have effect in relation to events which took place before 1st April 2003.

(5) Where a decision has been taken under the Immigration Acts relating to a person's entitlement to enter or remain in the United Kingdom before 1st April 2003 there shall only be a right of appeal under section 65(1) where an allegation is made before 1st July 2003.