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STATUTORY INSTRUMENTS

2014 No. 2928

IMMIGRATION

The Immigration Act 2014 (Transitional and Saving Provisions) Order 2014

Made - - - - 6th November 2014

Coming into force - - 10th November 2014

The Secretary of State, in exercise of the powers conferred by section 73(1) of the Immigration Act 2014⁽¹⁾, makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Immigration Act 2014 (Transitional and Saving Provisions) Order 2014 and comes into force on 10th November 2014.

(2) In this Order—

- (a) “the 1971 Act” means the Immigration Act 1971⁽²⁾;
- (b) “the 2002 Act” means the Nationality, Immigration and Asylum Act 2002⁽³⁾;
- (c) “the Act” means the Immigration Act 2014;
- (d) “the Commencement Order” means the Immigration Act 2014 (Commencement No. 3, Transitional and Saving Provisions) Order 2014⁽⁴⁾;
- (e) “the relevant provisions” and “the saved provisions” have the meaning that they have in the Commencement Order.

Transitional and saving provisions

2.—(1) The saved provisions continue to have effect, and the relevant provisions do not have effect, other than—

- (a) in accordance with articles 9, 10 and 11 of the Commencement Order;

(1) [2014 c. 22](#).
(2) [1971 c. 77](#).
(3) [2002 c. 41](#).
(4) [S.I. 2014/2771](#).

(b) in relation to a deportation decision made by the Secretary of State on or after 10th November 2014 in respect of—

(i) a person (“P”) who is a foreign criminal within the definition in section 117D(2) of the 2002 Act;

(ii) a person who is liable to deportation from the United Kingdom under section 3(5)(b) of the 1971 Act because they belong to the family of P.

(2) In this article, “a deportation decision” means a decision to make a deportation order, a decision to refuse to revoke a deportation order, or a decision made under section 32(5) of the UK Borders Act 2007(5).

3. But paragraph 26(1) and (4) of Schedule 9 to the Act has effect generally.

James Brokenshire
Minister of State
Home Office

6th November 2014

EXPLANATORY NOTE

(This note is not part of the Order)

The Immigration Act 2014 (Commencement No. 3, Transitional and Saving Provisions) Order 2014 (S.I. 2014/2771) (“the Commencement Order”) commenced, amongst other provisions, provisions labelled “the relevant provisions”, but also contained saving provisions limiting the circumstances in which the relevant provisions would have effect. This Order expands the circumstances in which the relevant provisions have effect so that they have effect in relation to deportation decisions made by the Secretary of State in relation to people who are foreign criminals within the definition set out in section 117D(2) of the Nationality, Immigration and Asylum Act 2002, as inserted by section 19 of the Immigration Act 2014 (c. 22) (“the 2014 Act”), and in relation to family members of such foreign criminals.

This Order also provides that paragraph 26(1) and (4) of Schedule 9 to the 2014 Act has effect generally. These provisions were commenced by the Commencement Order, but did not come into effect generally when the Commencement Order was made. They amend section 6A of the Special Immigration Appeals Commission Act 1997 (c. 68) (“the 1997 Act”) so that rules can be made, and special advocates can be appointed, in relation to reviews under section 2E of the 1997 Act. Section 2E of the 1997 Act is inserted by section 18 of the 2014 Act. Section 18 of the 2014 Act has not yet been commenced. Bringing paragraph 26(1) and (4) of Schedule 9 to the 2014 Act into effect generally will allow rules to be made prior to the commencement of section 18 of the 2014 Act, so that reviews under section 2E of the 1997 Act can take place as soon as section 18 of the 2014 Act is commenced and section 2E of the 1997 Act comes into force.