

Statutory Instrument 2002 No. 1716

The Immigration Services Tribunal (Amendment) Rules 2002

STATUTORY INSTRUMENTS

2002 No. 1716

IMMIGRATION AND ASYLUM

Immigration Services Tribunal (Amendment) Rules 2002

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|------------------------|-----------------|
| Made | 3rd July 2002 |
| Laid before Parliament | 4th July 2002 |
| Coming into force | 1st August 2002 |

The Lord Chancellor, in exercise of the powers conferred upon him by paragraph 7 of Schedule 7 to the Immigration and Asylum Act 1999 [1] and after consulting the Scottish Ministers and the Council on Tribunals, makes the following Rules:

Citation, commencement and interpretation

1. (1) These Rules may be cited as the Immigration Services Tribunal (Amendment) Rules 2002 and shall come into force on 1st August 2002.
- (2) In these Rules a rule cited by number alone means the rule so numbered in the Immigration Services Tribunal Rules 2000[2].

Amendments to the Immigration Services Tribunal Rules 2000

2. In rule 20(5), after "excluded" there shall be inserted "and the Tribunal's deliberations, but may not participate in that hearing or those deliberations".
3. (1) Rule 21 shall be re-numbered as rule 21(1).
- (2) In rule 21(1) as so re-numbered, the words "At the hearing of an appeal or charge" shall be omitted.
- (3) After rule 21(1) there shall be inserted:

"(2) The right conferred by paragraph (1) extends to every hearing before the Tribunal in connection with an appeal or charge, including in particular

 - (a) the hearing of the appeal or charge;

- (b) a preliminary hearing; and
- (c) a hearing to consider whether
 - (i) to give a person permission to appeal out of time;
 - (ii) to make, cancel or vary a direction under paragraph 8 of Schedule 7 (suspending the effect of a relevant decision);
 - (iii) to make a direction under paragraph 9(3) of Schedule 5 (restricting or prohibiting the provision of immigration advice or immigration services while the Tribunal deals with a charge);
 - (iv) to make any other procedural direction; or
 - (v) to give effect to a draft order settling proceedings by consent;

but this rule is without prejudice to any right of the Tribunal to make a decision on any of the matters listed in sub-paragraph (c) without a hearing."

Signed by authority of the Lord Chancellor

Rosie Winterton
Parliamentary Secretary Lord Chancellor's Department

3rd July 2002

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Immigration Services Tribunal Rules 2000. The changes made are:

- (a) to provide that a party to proceedings before the Tribunal has the right to legal representation in all hearings, including interlocutory and procedural applications; and
- (b) to provide that representatives of the Council on Tribunals may be present (though not participate) at the deliberations of the Tribunal.

Notes:

[1] 1999 c. 33.

[2] S.I. 2000/2739.

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