

2011 No. 1293 (C. 53)

IMMIGRATION

**The UK Borders Act 2007 (Commencement No. 7 and
Transitional Provisions) Order 2011**

Made - - - -

17th May 2011

The Secretary of State makes the following Order in exercise of the powers conferred by section 59(2) of the UK Borders Act 2007(a).

Citation

1. This Order may be cited as the UK Borders Act 2007 (Commencement No. 7 and Transitional Provisions) Order 2011.

Commencement of the UK Borders Act 2007

2. Section 19 (Points-based applications: no new evidence on appeal) of the UK Borders Act 2007 shall, subject to article 3, come into force on 23rd May 2011.

Transitional Provision

3.—(1) The amendment made to the Nationality, Immigration and Asylum Act 2002(b) by section 19 of the UK Borders Act 2007 will not have effect in relation to an appeal in respect of which a hearing at the First-tier Tribunal of the Immigration and Asylum Chamber has taken place before 23rd May 2011 and which is still pending.

(2) For the purposes of this article, a ‘hearing’ is where one or more Immigration Judges hear an appeal made under section 82(1) of the Nationality, Immigration and Asylum Act 2002 against a decision of the Secretary of State, at the First-tier Tribunal of the Immigration and Asylum Chamber and includes case management review hearings.

(3) For the purposes of this article, an appeal is ‘pending’ when it has been instituted under section 82(1) of the Nationality, Immigration and Asylum Act 2002 but has not yet been finally determined, withdrawn or abandoned or has not lapsed under section 99 of that Act.

Home Office
17th May 2011

Damian Green
Minister of State

(a) 2007 c.30.
(b) 2002 c.41.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force section 19 (Points-based applications: no new evidence on appeal) of the UK Borders Act 2007 which amends section 85(5) of the Nationality, Immigration and Asylum Act 2002 (c.41) as well as inserting a new section 85A. The new section 85A lists the exceptions to the general rule that the Immigration Tribunal can consider any evidence that is relevant to the substance of a decision, including any evidence which arises after the date of decision. Section 19 is subject to the transitional provision in Article 3 which provides that section 19 will not apply to any hearing which has already commenced prior to the 23rd May and which is part heard and pending, including appeals remitted to the First-tier Tribunal from the Upper Tier of the Tribunal. Appeals instituted prior to 23rd May where a hearing is yet to take place will be subject to section 19.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the UK Borders Act 2007 have been brought into force by commencement order made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 4 (detention at ports)	31.01.2008	2008/99
Section 5 to 8 (biometric registration)	31.01.2008	2008/99
Section 9 (biometric registration: penalty)	25.11.2008	2008/2822
Section 10 (biometric registration: objection to penalty)	31.01.2008 and 25.11.2008	2008/99
Section 11 (biometric registration: appeal in respect of penalty)	31.01.2008 and 25.11.2008	2008/99
Section 12 (biometric registration: enforcement of penalty)	25.11.2008	2008/2822
Section 13 (biometric registration: code of practice regarding penalty)	31.01.2008 and 25.11.2008	2008/99
Sections 14 and 15 (biometric registration: prescribed matters and interpretation)	31.01.2008	2008/99
Section 16 (conditional leave to enter or remain)	31.01.2008	2008/99
Section 18 (support for asylum-seekers: enforcement)	31.01.2008	2008/99

Section 20 (fees)	31.01.2008	2008/99
Section 21 (children)	06.01.2009	2008/3136
Section 22 and 23 (assaulting an immigration officer: offence and power of arrest)	31.01.2008	2008/99
Section 24 (seizure of cash)	01.04.2010	2010/606
Section 25 (forfeiture of detained property)	29.02.2008	2008/309
Section 26 (disposal of property)	31.01.2008 and 01.04.2008	2008/99
Section 27 and 28 (employment: arrest and search for personnel records)	29.02.2008	2008/309
Section 29 to 31 (facilitation and trafficking)	31.01.2008	2008/99
Section 32 to 38 (automatic deportation) (partially)	01.08.2008	2008/1818
Section 39 (automatic deportation: consequential amendments)	01.08.2008	2008/1818
Sections 40 to 43 (supply and wrongful disclosure of information)	31.01.2008	2008/99
Sections 44 to 47 (search for evidence of nationality and seizure of nationality documents)	29.02.2008	2008/309
Sections 48 to 50 (Border and Immigration Inspectorate: appointment, office and reports)	01.04.2008	2008/309
Section 51 (Border and Immigration Inspectorate: plans)	01.04.2008 and 06.01.2009	2008/309 and 2008/3136
Sections 52 and 53 (Border and Immigration Inspectorate: relationship with other bodies)	01.04.2008 and 06.01.2009	2008/309 and 2008/3136
Section 54 (Border and Immigration Inspectorate: abolition of other bodies)	01.04.2008	2008/309
Section 55 (Border and Immigration Inspectorate: prescribed matters)	01.04.2008	2008/309
Section 56 (Border and Immigration Inspectorate: Senior President of Tribunals)	01.04.2008	2008/309
Schedule	31.01.2008 and 01.04.2008	2008/309

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STATUTORY INSTRUMENTS

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