Draft Rules laid before Parliament under sections 5(9) and 8(4) of the Special Immigration Appeals Commission Act 1997, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2007 No.0000

IMMIGRATION

The Special Immigration Appeals Commission (Procedure) (Amendment No. 2) Rules 2007

Made - - - -

Coming into force - - 1st December 2007

The Lord Chancellor makes these Rules in exercise of the powers conferred by sections 5 and 8 of the Special Immigration Appeals Commission Act 1997(**a**).

In accordance with sections 5(9) and 8(4) of that Act, a draft of these Rules has been laid before Parliament and approved by resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Special Immigration Appeals Commission (Procedure) (Amendment No. 2) Rules 2007 and come into force on 1st December 2007.

(2) In these Rules, a reference to a rule by number alone is to the rule so numbered in the Special Immigration Appeals Commission (Procedure) Rules 2003(**b**).

Amendments to the Special Immigration Appeals Commission (Procedure) Rules 2003

2. In rule 27 (application for leave to appeal)—

(a) in paragraph (2) after "determination" insert "under rule 47(3)";

(b) in paragraph (2A) for the words after "Commission" to the end substitute "not later than 10 days after he is served with the Commission's determination under rule 47(3)".

3. After rule 43 (hearings in private) insert—

"Interpreters

43A. An appellant is entitled to the services of an interpreter for bringing his appeal—

(a) when giving evidence; and

(b) in such other circumstances as the Commission considers necessary.".

(**a**) 1997 c.68. Section 5 was amended by section 82(2) of and Schedule 5 to the Regulation of Investigatory Powers Act 2000 (c.23), section 9(1) of and paragraph 28 of Schedule 2 to the Race Relations (Amendment) Act 2000 (c.34) and sections 4(3), 114(3) and 161 of and paragraph 23 of Schedule 7 and Schedule 9 to the Nationality, Immigration and Asylum Act 2002 (c.41).

(**b**) S.I. 2003/1034. Rules 27 and 47 were amended by S.I. 2007/1285.

4. In rule 47(3) (giving of determination), after "must" insert ", within a reasonable time,".

Name
Parliamentary Under Secretary of State
Ministry of Justice

Date

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Special Immigration Appeals Commission (Procedure) Rules 2003 (S.I. 2003/1034) to give effect to Article 10(2) of Council Directive 2005/85/EC of 1st December 2005 laying down minimum standards on procedures in Member States for granting and withdrawing refugee status (O. J. L326, 13/12/2005, p.13). They provide for the Commission to serve its determination on the parties within a reasonable time and make express provision for the existing practice whereby an appellant may have an interpreter in certain circumstances. They also make a minor amendment to the time limits for applications for permission to appeal from the Commission to an appellate court, to provide that each party is to have the same period in which to apply, calculated from the date on which the party received the Commission's final determination. An impact assessment has not been prepared for this instrument as it has no impact on businesses, charities or voluntary bodies.

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