1970 No. 793

COMMONWEALTH IMMIGRANTS

ALIENS

The Immigration Appeals (Notices) Regulations 1970

Made - - -	21*st May* 1970
Laid before Parliament	28*th May* 1970
Coming into Operation	1*st July* 1970

In exercise of the powers conferred upon me by section 6 of the Immigration Appeals Act 1969**(a)**, both as enacted and as applied and modified by Article 12(1) of the Aliens (Appeals) Order 1970**(b)**, I hereby make the following Regulations:—

Citation

1. These Regulations may be cited as the Immigration Appeals (Notices) Regulations 1970 and shall come into operation on 1st July 1970.

Interpretation

2.—(1) In these Regulations—

"the Appeals Act" means the Immigration Appeals Act 1969;

"the Appeals Order" means the Aliens (Appeals) Order 1970;

"appeal" means an appeal under Part I of the Appeals Act or Part II of the Appeals Order;

"entry certificate officer" means a person having authority to grant an entry certificate on behalf of the Government of the United Kingdom;

"visa officer" means a person having authority to grant a visa on behalf of the Government of the United Kingdom.

(2) Any reference in these Regulations to a Regulation is a reference to a Regulation contained in these Regulations.

(3) The Interpretation Act 1889**(c)** shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Notice of decisions and actions

3.—(1) Subject to the provisions of paragraph (3) below, when any decision or action against which an appeal can be brought is taken, notice in writing thereof shall as soon as practicable be given in accordance with the provisions of these Regulations to the person by whom such an appeal can be brought.

(2) Any such notice shall be given—

(*a*) in the case of a decision or action taken by an immigration officer in the exercise of powers conferred on him as such, by the immigration officer;

(a) 1969 c. 21. (b) S.I. 1970/151 (1970 I, p. 663). (c) 1889 c. 63.

(*b*) in the case of a refusal of an application for the grant of an entry certificate or visa, by the entry certificate officer or visa officer who refused the application;

(*c*) where the officer required by sub-paragraph (*a*) or (*b*) above to give the notice is for any reason unable to do so, by such immigration officer, entry certificate officer or visa officer as may be designated for the purpose by the Secretary of State;

(*d*) in the case of a decision or action other than one mentioned in sub-paragraph (*a*) or (*b*) above, by the Secretary of State.

(3) It shall not be necessary to give notice in compliance with the requirements of paragraph (1) above if the officer or authority required by paragraph (2) above to give it has no knowledge of the whereabouts or place of abode of the person to whom it is to be given.

Contents of notice

4.—(1) Subject to the provisions of paragraph (2) below, any notice given under Regulation 3 shall—

(*a*) include a statement of the reasons for the decision or action to which it relates;

(*b*) if it relates to the giving of directions for the removal of any person from the United Kingdom, include a statement of the country or territory to which he is to be removed; and

(*c*) be accompanied by a statement informing the person to whom the notice is given of—

(i) his right of appeal and the relevant provision of the Appeals Act or the Appeals Order, as the case may be;

(ii) the manner in which the appeal should be brought and the address to which a notice of appeal should be sent;

(iii) the time within which the appeal should be brought; and

(iv) the facilities available for advice and assistance in connection therewith.

(2) In the case of a notice which relates to any such decision as is mentioned in section 3(1) (*b*) of the Appeals Act or Article 3(1) (*b*) of the Appeals Order (variation of conditions of entry), it shall not be necessary to comply with the requirements of paragraph (1) above if the decision was taken at the request of the person to whom the notice is given and was not less favourable to him than that which was requested.

Notices under Commonwealth Immigrants Act 1962 *and Aliens Order* 1953

5.—(1) Subject to the provisions of paragraph (2) below, where notice in writing of any decision is given under paragraph 2 of Schedule 1 to the Commonwealth Immigrants Act 1962**(a)** or Article 5 of the Aliens Order 1953**(b)** (refusal of entry and conditions of entry) the provisions of these Regulations shall, if the statements required by Regulation 4 are included in or accompany the notice, be deemed to have been complied with in relation to the decision.

(2) Paragraph (1) above shall not apply in the case of a notice given to a person in charge of a party in pursuance of sub-paragraph (2) of the said paragraph 2 or paragraph (2) of the said Article 5.

(a) 1962 c. 21. (b) S.I. 1953/1671 (1953 I, p. 94).

Service of notice

6. Any notice required by Regulation 3 to be given to any person may be sent by post in a registered letter or by the recorded delivery service or delivered to his last known or usual place of abode.

James Callaghan,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
21st May 1970.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations provide for the giving of notices of decisions and actions against which appeals lie under the Immigration Appeals Act 1969 and the Aliens (Appeals) Order 1970.

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