

2007 No. 275

MINISTERS OF THE CROWN

**The Transfer of Functions (Asylum Support Adjudicators)
Order 2007**

Made - - - - *7th February 2007*

Laid before Parliament *14th February 2007*

Coming into force - - *2nd April 2007*

At the Court at Buckingham Palace, the 7th day of February 2007

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 of the Ministers of the Crown Act 1975(a), is pleased, by and with the advice of Her Privy Council, to order, and it is ordered, as follows:

Citation and Commencement

1.—(1) This Order may be cited as the Transfer of Functions (Asylum Support Adjudicators) Order 2007.

(2) This Order comes into force on 2nd April 2007.

Interpretation

2. In this Order—

- (a) “instrument”, without prejudice to the generality of that expression, includes in particular Royal Charters, Royal Warrants, Orders in Council, Letters Patent, judgments, decrees, orders, rules, regulations, schemes, bye-laws, awards, contracts and other agreements, memoranda and articles of association, certificates, deeds and other documents, and
- (b) a reference to the functions of a Minister under an enactment includes a reference to the functions of that Minister under an instrument having effect under that enactment.

Transfer from Secretary of State to Lord Chancellor

3. There are transferred to the Lord Chancellor the functions of the Secretary of State under—

- (a) section 104 of the Immigration and Asylum Act 1999(b) (power to make rules for asylum support adjudicators), and

(a) 1975 c. 26, amended by section 20 of the Constitutional Reform Act 2005 (c. 4)
(b) 1999 c. 33

- (b) Schedule 10 to that Act (adjudicators: further provision).

Supplemental

4.—(1) This Order does not affect the validity of anything done by or in relation to the Secretary of State for the Home Department before the coming into force of this Order in connection with the functions transferred by article 3.

(2) Anything done by or in relation to the Secretary of State for the Home Department in connection with the functions transferred by article 3 has effect, so far as necessary for continuing its effect after the coming into force of this Order, as if done by or in relation to the Lord Chancellor.

(3) Anything (including legal proceedings) which is in the process of being done by or in relation to the Secretary of State for the Home Department at the coming into force of this Order may, if it relates to the functions transferred by article 3, be continued by or in relation to the Lord Chancellor.

(4) So far as is necessary for the purposes of or in consequence of the transfer to the Lord Chancellor of the functions mentioned in article 3, an enactment or instrument passed or made before this Order comes into force has effect as if—

- (a) a reference to the Secretary of State or the Secretary of State for the Home Department were a reference to the Lord Chancellor,
- (b) a reference to the Home Department (or the Home Office) were a reference to the Department for Constitutional Affairs, and
- (c) a reference to an officer of the Home Department (or the Home Office) were a reference to an officer of the Department for Constitutional Affairs.

Protected functions of the Lord Chancellor

5. In paragraph 4 of Schedule 7 to the Constitutional Reform Act 2005^(a), in the entry for the Immigration and Asylum Act 1999 after “Schedule 7, paragraphs 1 and 2” insert—

“Schedule 10”.

Consequential amendments

6.—(1) In section 104 of the Immigration and Asylum Act 1999^(b), and in Schedule 10 to that Act, for “Secretary of State” in each place substitute “Lord Chancellor”.

(2) In the following provisions of the Asylum Support Appeals (Procedure) Rules 2000^(c), for “Secretary of State” substitute “Lord Chancellor”—

- (a) the definition of “member of the adjudicators’ staff” in rule 2(1), and
- (b) rule 3(1).

Christine Cook
Deputy Clerk of the Privy Council

^(a) 2005 c. 4
^(b) 1999 c. 33
^(c) S.I. 2000/541

EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfers to the Lord Chancellor certain functions of the Secretary of State relating to the Asylum Support Adjudicators. It also makes supplemental provision in connection with the transfer.

Article 3 transfers to the Lord Chancellor the functions under section 104 of and Schedule 10 to the Immigration and Asylum Act 1999 (“the 1999 Act”).

Article 4 makes supplemental provision in relation to the transfer of functions effected by Article 3.

Article 5 makes Schedule 10 to the 1999 Act a protected function of the Lord Chancellor under the Constitutional Reform Act 2005.

Article 6 makes consequential amendments to the 1999 Act and the Asylum Support Appeals (Procedure) Rules 2000.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

STATUTORY INSTRUMENTS

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