

SCHEDULES

SCHEDULE 3

Section 5.

SUPPLEMENTARY PROVISIONS AS TO DEPORTATION

Removal of persons liable to deportation

- 1 (1) Where a deportation order is in force against any person, the Secretary of State may give directions for his removal to a country or territory specified in the directions being either—
- (a) a country of which he is a national or citizen ; or
 - (b) a country or territory to which there is reason to believe that he will be admitted.
- (2) The directions under sub-paragraph (1) above may be either—
- (a) directions given to the captain of a ship or aircraft about to leave the United Kingdom requiring him to remove the person in question in that ship or aircraft; or
 - (b) directions given to the owners or agents of any ship or aircraft requiring them to make arrangements for his removal in a ship or aircraft specified or indicated in the directions ; or
 - (c) directions for his removal in accordance with arrangements to be made by the Secretary of State.
- (3) In relation to directions given under this paragraph, paragraphs 11 and 16(4) of Schedule 2 to this Act shall apply, with the substitution of references to the Secretary of State for references to an immigration officer, as they apply in relation to directions for removal given under paragraph 8 of that Schedule.
- (4) The Secretary of State, if he thinks fit, may apply in or towards payment of the expenses of or incidental to the voyage from the United Kingdom of a person against whom a deportation order is in force, or the maintenance until departure of such a person and his dependants, if any, any money belonging to that person ; and except so far as they are paid as aforesaid, those expenses shall be defrayed by the Secretary of State.

Detention or control pending deportation

- 2 (1) Where a recommendation for deportation made by a court is in force in respect of any person, and that person is neither detained in pursuance of the sentence or order of any court nor for the time being released on bail by any court having power so to release him, he shall, unless the court by which the recommendation is made otherwise directs, be detained pending the making of a deportation order in pursuance of the recommendation, unless the Secretary of State directs him to be released pending further consideration of his case.

Status: This is the original version (as it was originally enacted).

- (2) Where notice has been given to a person in accordance with regulations under section 18 of this Act of a decision to make a deportation order against him, and he is neither detained in pursuance of the sentence or order of a court nor for the time being released on bail by a court having power so to release him, he may be detained under the authority of the Secretary of State pending the making of the deportation order.
- (3) Where a deportation order is in force against any person, he may be detained under the authority of the Secretary of State pending his removal or departure from the United Kingdom (and if already detained by virtue of sub-paragraph (1) or (2) above when the order is made, shall continue to be detained unless the Secretary of State directs otherwise).
- (4) In relation to detention under sub-paragraph (2) or (3) above, paragraphs 17 and 18 of Schedule 2 to this Act shall apply as they apply in relation to detention under paragraph 16 of that Schedule.
- (5) A person liable to be detained under sub-paragraph (2) or (3) above shall, while not so detained, be subject to such restrictions as to residence and as to reporting to the police as may from time to time be notified to him in writing by the Secretary of State.

Effect of appeals

- 3 Part II of Schedule 2 to this Act, so far as it relates to appeals under section 16 or 17, shall apply for purposes of this Schedule as if the references in paragraph 28(2), (3) and (6) and in paragraph 29(1) to Part I of that Schedule were references to this Schedule ; and paragraphs 29 to 33 shall apply in like manner in relation to appeals under section 15(1)(a).