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SCHEDULES

SCHEDULE 2

ADMINISTRATIVE PROVISIONS AS TO CONTROL ON ENTRY ETC.

Modifications etc. (not altering text)

- C1** Sch. 2 modified (10.6.1991) by [Criminal Justice \(International Co-operation\) Act 1990 \(c. 5, SIF 39:1\), s. 6\(6\)\(b\)](#); [S.I. 1991/1072, art. 2, Sch. Pt. I](#)
- C1** Sch. 2 modified (2.8.1993) by [S.I. 1993/1813, arts. 7\(1\), 1, Sch. 4 para. 1\(11\)](#) (as amended: (1.12.1997) by [S.I. 1994/1405, art. 8, Sch. 4 para. 11](#); (30.7.2000) by [S.I. 2000/1775, arts. 1, 2\(2\)](#); (25.5.2001) by [S.I. 2001/1544, arts. 1\(2\), 6\(3\)](#) (as itself amended (2.1.2008) by [S.I. 2007/3579, art. 2\(2\)\(3\)](#)); (5.8.2014) by [S.I. 2014/1814, arts. 1, 2\(3\)\(4\)](#); and (30.9.2020) by [S.I. 2020/915, arts. 1\(2\), 5\(5\)](#))
Sch. 2 extended (with modifications): (Guernsey) (1.8.1993) by [S.I. 1993/1796, art. 3\(1\), Sch. 1 Pt. 1](#); (Jersey) (1.8.1993) by [S.I. 1993/1797, art. 3\(1\), Sch. 1 Pt. 1](#) (as amended (17.10.2012) by [S.I. 2012/2593, arts. 1, 2\(2\)](#))
Sch. 2 applied (20.7.1994) by [S.I. 1994/1895, art. 20\(2\)](#)
Sch. 2 amended (2.10.2000) by [1999 c. 33, s. 66](#); [S.I. 2000/2444, art. 2, Sch. 1](#) (subject to transitional provisions in [art. 3, Sch. 2 para. 2](#))
Sch. 2 extended (10.2.2003) (with modifications) by [2002 c. 41, s. 62\(3\)](#) (with s. 159); [S.I. 2003/1, art. 2, Sch. 2, Sch.](#)
[Sch. 2](#) amended (1.4.2003) by [2002 c. 41, s. 68](#) (with s. 159); [S.I. 2003/754, art. 2, Sch. 1](#) (with transitional provisions in [arts. 3, 4, Sch. 2](#)) (as amended by [S.I. 2003/1040](#) and [S.I. 2003/1339](#))
- C1** Sch. 2 applied by [The Immigration \(European Economic Area\) Regulations 2006 \(S.I. 2006/1003\), reg. 24\(4\)](#) (as substituted (1.6.2009) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2009 \(S.I. 2009/1117\), reg. 2, Sch. 1 para. 10\(c\)](#))

PART II

EFFECT OF APPEALS

Modifications etc. (not altering text)

- C1** Sch. 2 Pt. II amended (26.7.1993) by [1993 c. 23, s. 8\(6\), Sch. 2 para. 9](#); [S.I. 1993/1655, art. 2](#)
Sch. 2 Pt. II extended (with modifications) (Isle of Man) (1.4.1997) by [S.I. 1997/275, art. 2\(1\)](#), [Sch. 2](#)
Sch. 2 Pt. II: power to modify conferred (11.6.1998) by [1997 c. 68, s. 5\(4\)\(a\)](#); [S.I. 1998/1336, art. 2](#)
Sch. 2 Pt. II extended (3.8.1998) by [1997 c. 68, s. 2, Sch. 2 paras. 3\(1\), 4](#); [S.I. 1998/1892, art. 2](#)

Stay on directions for removal

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Textual Amendments

- F1** Sch. 2 para. 28 repealed (2.10.2000) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 43, 65, **Sch. 16**; S.I. 2000/2444, art. 2, **Sch. 1** (subject to transitional provisions in art. 3, Sch. 2 para. 2)

Modifications etc. (not altering text)

- C2** Sch. 2 para. 28 continued (14.3.2003) by [The Nationality, Immigration and Asylum Act 2002](#) (Commencement No. 4) Order 2003 (S.I. 2003/754), arts. 3, 4, **Sch. 2 para. 2(10)(a)**

Grant of bail pending appeal

- 29 (1) Where a person (in the following provisions of this Schedule referred to as “an appellant”) has an appeal pending under [^{F2}Part 5 of the Nationality, Immigration and Asylum Act 2002] and is for the time being detained under Part I of this Schedule, he may be released on bail in accordance with this paragraph.
- (2) An immigration officer not below the rank of chief immigration officer or a police officer not below the rank of inspector may release an appellant on his entering into a recognizance or, in Scotland, bail bond conditioned for his appearance before an adjudicator or the [^{F3}Immigration Appeal Tribunal] at a time and place named in the recognizance or bail bond.
- (3) An adjudicator may release an appellant on his entering into a recognizance or, in Scotland, bail bond conditioned for his appearance before that or any other adjudicator or the [^{F3}Immigration Appeal Tribunal] at a time and place named in the recognizance or bail bond; and where an adjudicator dismisses an appeal but grants leave to the appellant to appeal to the Tribunal, or, in a case in which leave to appeal is not required, the appellant has duly given notice of appeal to the Tribunal, the adjudicator shall, if the appellant so requests, exercise his powers under this subparagraph.
- (4) Where an appellant has duly applied for leave to appeal to the [^{F3}Immigration Appeal Tribunal], the Tribunal may release him on his entering into a recognizance or, in Scotland, bail bond conditioned for his appearance before the Tribunal at a time and place named in the recognizance or bail bond; and where—
- (a) the Tribunal grants leave to an appellant to appeal to the Tribunal; or
 - (b) in a case in which leave to appeal is not required, the appellant has duly given notice of appeal to the Tribunal;
- the Tribunal shall, if the appellant so requests, release him as aforesaid.
- (5) The conditions of a recognizance or bail bond taken under this paragraph may include conditions appearing to the person fixing the bail to be likely to result in the appearance of the appellant at the time and place named; and any recognizance shall be with or without sureties as that person may determine.
- (6) In any case in which an adjudicator or the Tribunal has power or is required by this paragraph to release an appellant on bail, the adjudicator or Tribunal may, instead of taking the bail, fix the amount and conditions of the bail (including the amount in which any sureties are to be bound) with a view to its being taken subsequently by any such person as may be specified by the adjudicator or the Tribunal; and on the recognizance or bail bond being so taken the appellant shall be released.

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Textual Amendments

- F2** Words in Sch. 2 para. 29(1) substituted (1.4.2003) by 2002 c. 41, s. 114, Sch. 7 para. 6(a) (with s. 159); S.I. 2003/754, art. 2, Sch. 1 (with transitional provisions in arts. 3, 4, Sch. 2 (as amended by S.I. 2003/1040 and 2003/1339))
- F3** Words in Sch. 2 para. 29 substituted (1.4.2003) by 2002 c. 41, s. 114, Sch. 7 para. 6(b) (with s. 159); S.I. 2003/754, art. 2, Sch. 1 (with transitional provisions in arts. 3, 4, Sch. 2 (as amended by S.I. 2003/1040 and 2003/1339))

Modifications etc. (not altering text)

- C3** Sch. 2 para. 29 modified (retrospectively and temp.) by Immigration Act 2016 (c. 19), ss. 61(3)-(5), 94(3) (with s. 61(6))
- C4** Sch. 2 para. 29 amended (1.9.1996) by 1996 c. 49, s. 3(6); S.I. 1996/2053, art. 2, Sch. Pt. II
Sch. 2 para. 29 applied (2.10.2000 with application as mentioned in regs. 9, 28) by S.I. 2000/2326, reg. 32(6)(7) (as substituted (1.4.2003) for reg. 34(6)(10) by S.I. 2003/549, reg. 2(8) (with reg. 3))
Sch. 2 para. 29 modified (3.8.1998) by 1997 c. 68, s. 3, Sch. 3 para. 4; S.I. 1998/1892, art. 2
- C5** Sch. 2 para. 29(1) excluded (14.3.2003) by The Nationality, Immigration and Asylum Act 2002 (Commencement No. 4) Order 2003 (S.I. 2003/754), arts. 3, 4, Sch. 2 para. 2(10)(b)(i)
- C6** Sch. 2 para. 29(5)(6) applied (1.9.1996) by 1993 c. 23, s. 9A (as inserted (1.9.1996) by 1996 c. 49, s. 12(2), Sch. 3 para. 3; S.I. 1996/2053, art. 2, Sch. Pt. II)

Restrictions on grant of bail

- 30 (1) An appellant shall not be released under paragraph 29 above without the consent of the Secretary of State if directions for the removal of the appellant from the United Kingdom are for the time being in force, or the power to give such directions is for the time being exercisable.
- (2) Notwithstanding paragraph 29(3) or (4) above, an adjudicator and the Tribunal shall not be obliged to release an appellant unless the appellant enters into a proper recognizance, with sufficient and satisfactory sureties if required, or in Scotland sufficient and satisfactory bail is found if so required; and an adjudicator and the Tribunal shall not be obliged to release an appellant if it appears to the adjudicator or the Tribunal, as the case may be—
- that the appellant, having on any previous occasion been released on bail (whether under paragraph 24 or under any other provision), has failed to comply with the conditions of any recognizance or bail bond entered into by him on that occasion;
 - that the appellant is likely to commit an offence unless he is retained in detention;
 - that the release of the appellant is likely to cause danger to public health;
 - that the appellant is suffering from mental disorder and that his continued detention is necessary in his own interests or for the protection of any other person; or
 - that the appellant is under the age of seventeen, that arrangements ought to be made for his care in the event of his release and that no satisfactory arrangements for that purpose have been made.

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Modifications etc. (not altering text)

- C7** Sch. 2 paras. 30-33 applied (with modifications) (1.9.1996) by 1993 c. 23, s. 9A (as inserted (1.9.1996) by 1996 c. 49, s. 12(2), **Sch. 3 para.3**; S.I. 1996/2053, art. 2, **Sch. Pt.II**)
 Sch. 2 para. 30 modified (3.8.1998) by 1997 c. 68, s. 3, **Sch. 3 para.5**; S.I. 1998/1892, **art.2**
- C8** Sch. 2 para. 30(1) applied (with modifications) (14.12.2001) by 2001 c. 24, **ss. 24(2)(d)**, 127(2)

Forfeiture of recognizances

- 31 (1) Where under paragraph 29 above (as it applies in England and Wales or in Northern Ireland) a recognizance is entered into conditioned for the appearance of an appellant before an adjudicator or the Tribunal, and it appears to the adjudicator or the Tribunal, as the case may be, to be forfeited, the adjudicator or Tribunal may by order declare it to be forfeited and adjudge the persons bound thereby, whether as principal or sureties, or any of them, to pay the sum in which they are respectively bound or such part of it, if any, as the adjudicator or Tribunal thinks fit.
- (2) An order under this paragraph shall, for the purposes of this sub-paragraph, specify a magistrates' court or, in Northern Ireland, court of summary jurisdiction; and the recognizance shall be treated for the purposes of collection, enforcement and remission of the sum forfeited as having been forfeited by the court so specified.
- (3) Where an adjudicator or the Tribunal makes an order under this paragraph the adjudicator or Tribunal shall, as soon as practicable, give particulars of the recognizance to the [^{F4}proper officer] of the court specified in the order in pursuance of sub-paragraph (2) above.
- [^{F5}3A) In sub-paragraph (3) "proper officer" means—
- (a) in relation to a magistrates' court in England and Wales, the justices' chief executive for the court; and
- (b) in relation to a court of summary jurisdiction in Northern Ireland, the clerk of the court.]
- (4) Any sum the payment of which is enforceable by a magistrates' court in England or Wales by virtue of this paragraph shall be treated for the [^{F6}purposes of the Justices of the Peace Act 1997 and, in particular, section 60 of that Act, as being] due under a recognizance forfeited by such a court . . . ^{F7}
- (5) Any sum the payment of which is enforceable by virtue of this paragraph by a court of summary jurisdiction in Northern Ireland shall, for the purposes of section 20(5) of the ^{M1}Administration of Justice Act (Northern Ireland) 1954, be treated as a forfeited recognizance.

Textual Amendments

- F4** Words in Sch. 2 para. 31(3) substituted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 paras. 64, **70(1)(4)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F5** Sch. 2 para. 31(3A) inserted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 paras. 64, **70(1)(5)** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F6** Words in Sch. 2 para. 31(4) substituted (19.6.1997) by virtue of 1997 c. 25, ss. 73(2), 74(1), **Sch. 5 para. 10**

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F7 Words repealed by [Criminal Justice Act 1972 \(c. 71\)](#), [Sch. 6 Pt. II](#)

Modifications etc. (not altering text)

C9 Sch. 2 paras. 30-33 applied (with modifications) (1.9.1996) by [1993 c. 23, s. 9A](#) (as inserted (1.9.1996) by [1996 c. 49, s. 12\(2\)](#), [Sch. 3 para. 3](#); S.I. 1996/2053, art. 2, [Sch. Pt. II](#))
Sch. 2 para. 31 modified (3.8.1998) by [1997 c. 68, s. 3, Sch. 3 para. 6](#); S.I. 1998/1892, [art. 2](#)

Marginal Citations

M1 [1954 c. 9 \(N.I.\)](#)

- 32 Where under paragraph 29 above (as it applies in Scotland) a person released on bail fails to comply with the terms of a bail bond conditioned for his appearance before an adjudicator or the Tribunal, the adjudicator or Tribunal may declare the bail to be forfeited, and any bail so forfeited shall be transmitted by the adjudicator or the Tribunal to the sheriff court having jurisdiction in the area where the proceedings took place, and shall be treated as having been forfeited by that court.

Modifications etc. (not altering text)

C10 Sch. 2 paras. 30-33 applied (with modifications) (1.9.1996) by [1993 c. 23, s. 9A](#) (as inserted (1.9.1996) by [1996 c. 49, s. 12\(2\)](#), [Sch. 3 para.3](#); S.I. 1996/2053, art. 2, [Sch. Pt.II](#))
Sch. 2 para. 32 modified (3.8.1998) by [1997 c. 68, s. 3, Sch. 3 para.7](#); S.I. 1998/1892, [art.2](#)

Arrest of appellants released on bail

- 33 (1) An immigration officer or constable may arrest without warrant a person who has been released by virtue of this Part of this Schedule—
- (a) if he has reasonable grounds for believing that that person is likely to break the condition of his recognizance or bail bond that he will appear at the time and place required or to break any other condition of it, or has reasonable ground to suspect that that person is breaking or has broken any such other condition; or
 - (b) if, a recognizance with sureties having been taken, he is notified in writing by any surety of the surety's belief that that person is likely to break the first-mentioned condition, and of the surety's wish for that reason to be relieved of his obligations as a surety;
- and paragraph 17(2) above shall apply for the arrest of a person under this paragraph as it applies for the arrest of a person under paragraph 17.
- (2) A person arrested under this paragraph—
- (a) if not required by a condition on which he was released to appear before an adjudicator or Tribunal within twenty-four hours after the time of his arrest, shall as soon as practicable be brought before an adjudicator or, if that is not practicable within those twenty-four hours, before a justice of the peace acting for the petty sessions area in which he is arrested or, in Scotland, the sheriff; and

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- (b) if required by such a condition to appear within those twenty-four hours before an adjudicator or before the Tribunal, shall be brought before that adjudicator or before the Tribunal, as the case may be.
- (3) An adjudicator, justice of the peace or sheriff before whom a person is brought by virtue of sub-paragraph (2)(a) above—
- (a) if of the opinion that that person has broken or is likely to break any condition on which he was released, may either—
- (i) direct that he be detained under the authority of the person by whom he was arrested; or
- (ii) release him on his original recognizance or on a new recognizance, with or without sureties, or, in Scotland, on his original bail or on new bail; and
- (b) if not of that opinion, shall release him on his original recognizance or bail.

Modifications etc. (not altering text)

- C11** Sch. 2 paras. 30-33 applied (with modifications) (1.9.1996) by 1993 c. 23, s. 9A (as inserted (1.9.1996) by 1996 c. 49, s. 12(2), **Sch. 3 para.3**; S.I. 1996/2053, art. 2, **Sch. Pt.II**)
 Sch. 2 para. 33 modified (3.8.1998) by 1997 c. 68, s. 3, **Sch. 3 para.8**; S.I. 1998/1892, **art.2**

^{F8}Grant of bail pending removal

Textual Amendments

- F8** Sch. 2 para. 34 and cross heading inserted (1.9.1996) by 1996 c. 49, s. 12(1), **Sch. 2 para.12**; S.I. 1996/2053, art. 2, **Sch. Pt.II**

- ^{F9}34 (1) Paragraph 22 above shall apply in relation to a person—
- (a) directions for whose removal from the United Kingdom are for the time being in force; and
- (b) who is for the time being detained under Part I of this Schedule,
- as it applies in relation to a person detained under paragraph 16(1) above pending examination [^{F10}, detained under paragraph 16(1A) above pending completion of his examination or a decision on whether to cancel his leave to enter]]or detained under paragraph 16(2) above pending the giving of directions.
- (2) Paragraphs 23 to 25 above shall apply as if any reference to paragraph 22 above included a reference to that paragraph as it applies by virtue of this paragraph.

Textual Amendments

- F9** Sch. 2 para. 34 and cross heading inserted (1.9.1996) by 1996 c. 49, s. 12(1), **Sch. 2 para. 12**; S.I. 1996/2053, art. 2, **Sch. Pt. II**
- F10** Words in Sch. 2 para. 34(1) inserted (14.2.2000) by 1999 c. 33, s. 169(1), **Sch. 14 paras. 43, 67**; S.I. 2000/168, art. 2, **Sch**

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