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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.
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](#)

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 [F1Part 5 of the Nationality, Immigration and

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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 [F2Immigration 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 [F2Immigration 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 sub-paragraph.
- (4) Where an appellant has duly applied for leave to appeal to the [F2Immigration 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.

Textual Amendments

- F1** 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))
- F2** 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)

- C1** Sch. 2 para. 29 modified (retrospectively and temp.) by Immigration Act 2016 (c. 19), ss. 61(3)-(5), 94(3) (with s. 61(6))
- C2** Sch. 2 para. 29 amended (1.9.1996) by 1996 c. 49, s. 3(6); S.I. 1996/2053, art. 2, Sch. Pt. II

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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**

C3 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)**

C4 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**)

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