

*These notes refer to the Immigration and Asylum Act 1999
(c.33) which received Royal Assent on 11 November 1999*

IMMIGRATION AND ASYLUM ACT 1999

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part III: Bail

Section 47: Powers exercisable on granting bail

169. This section provides that a person may be released on bail by the court following a routine bail hearing. Subsection (1) specifies that the grant of bail may be subject to such conditions as appear likely to the court to result in the appearance of the person bailed at the required time and place. The conditions may require the person to enter into a recognizance (with or without sureties) or, in Scotland, a bail bond or a security to be given either by the person bailed or on his behalf. This is in contrast to bail granted under the Immigration Act 1971, which presently requires a recognizance or (in Scotland) bail bond to be given before bail can be granted. Subsection (2) makes it clear that the court may impose a requirement under subsection (1) only if it considers that its imposition is necessary to secure compliance with any condition to which bail will be subject. Under subsections (4) and (5), the court must impose a condition requiring any released person to report either to an immigration officer at a specified time and place, or at any such other time and place as may be notified in writing by an immigration officer, or to the court dealing with an appeal under the Immigration Acts. Subsection (9) allows the court, instead of releasing a person on bail immediately, to fix the amount and conditions of bail with a view to the bail being taken subsequently.