



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART III

BAIL

Bail hearings under other enactments

53 Applications for bail in immigration cases

- (1) The Secretary of State may by regulations make new provision in relation to applications for bail by persons detained under the 1971 Act.
- (2) The regulations may confer a right to be released on bail in prescribed circumstances.
- (3) The regulations may, in particular, make provision—
 - (a) creating or transferring jurisdiction to hear an application for bail by a person detained under the 1971 Act;
 - (b) as to the places in which such an application may be held;
 - (c) as to the procedure to be followed on, or in connection with, such an application;
 - (d) as to circumstances in which, and conditions (including financial conditions) on which, an applicant may be released on bail;
 - (e) amending or repealing any enactment so far as it relates to such an application.
- (4) The regulations must include provision for securing that an application for bail made by a person who has brought an appeal under any provision of this Act or the Special Immigration Appeals Commission Act 1997 is heard by the appellate authority hearing that appeal.
- (5) When exercising his power under subsection (1), the Secretary of State must have regard to the desirability, in relation to applications for bail by persons detained under the 1971 Act, of making provision similar to that which is made by this Part in relation to references to the court under section 44.

Status: This is the original version (as it was originally enacted).

- (6) Regulations under this section require the approval of the Lord Chancellor.
- (7) In so far as regulations under this section relate to the sheriff or the Court of Session, the Lord Chancellor must obtain the consent of the Scottish Ministers before giving his approval.

54 Extension of right to apply for bail in deportation cases

- (1) Paragraph 2 of Schedule 3 to the 1971 Act (detention or control pending deportation) is amended as follows.
- (2) In sub-paragraph (1), at the end insert “or he is released on bail”.
- (3) In sub-paragraph (3), after “unless” insert “he is released on bail or”.
- (4) After sub-paragraph (4) insert—
 - “(4A) Paragraphs 22 to 25 of Schedule 2 to this Act apply in relation to a person detained under sub-paragraph (1), (2) or (3) as they apply in relation to a person detained under paragraph 16 of that Schedule.”