



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART III

BAIL

Routine bail hearings

50 Power of arrest

- (1) An immigration officer or constable who has reasonable grounds for believing that a person released on a reference under section 44 has broken or is likely to break any condition on which he was bailed, may arrest him without a warrant.
- (2) Subsection (3) applies if a person other than the person bailed (“a third party”)—
 - (a) has agreed to act as a surety in relation to a recognizance entered into under section 47; or
 - (b) has given security on behalf of the person bailed under that section.
- (3) If an immigration officer or constable is notified in writing by a third party—
 - (a) of his belief that a person released on a reference under section 44 is likely to break the condition that he must appear at the time and place required; and
 - (b) of the third party’s wish, for that reason, to be relieved of his obligations as a surety or to have the security given returned to him,the officer or constable may arrest the person released without a warrant.
- (4) Subsection (5) applies if—
 - (a) a justice of the peace is, by written information on oath, satisfied that there are reasonable grounds for suspecting that a person liable to be arrested under this section is to be found on any premises;
 - (b) in Scotland, the sheriff or a justice of the peace is by evidence on oath so satisfied; or
 - (c) in Northern Ireland, a justice of the peace is by written complaint on oath so satisfied.

Status: This is the original version (as it was originally enacted).

- (5) The justice of the peace or the sheriff may grant a warrant authorising any immigration officer or constable to enter, if need be by reasonable force, the premises named in the warrant for the purpose of searching for and arresting the person concerned.
- (6) A person arrested under this section must, if required by a condition on which he was released to appear before an immigration officer within 24 hours after his arrest, be brought before an immigration officer within that period.
- (7) A person arrested under this section must, if he was released under section 46 by the Commission, be brought before it within twenty-four hours after his arrest.
- (8) Subsection (9) applies if a person has been arrested under this section and—
 - (a) neither subsection (6) nor subsection (7) applies to him; or
 - (b) he has been brought before an immigration officer under subsection (6) but has not been released.
- (9) The arrested person must be brought before—
 - (a) a justice of the peace acting for the petty sessions area in which he was arrested;
 - (b) in Scotland, an adjudicator or, if that is not practicable within 24 hours after his arrest, the sheriff; or
 - (c) in Northern Ireland, a magistrates' court acting for the county court division in which he was arrested.
- (10) If subsection (9) applies, the arrested person must be brought before the person or court concerned—
 - (a) as soon as is practicable after his arrest; and
 - (b) if subsection (9)(a) or (c) applies, in any event within 24 hours after his arrest.
- (11) Subsections (12) and (13) apply in relation to an arrested person dealt with under subsection (7) or (9).
- (12) The court or person dealing with the matter may, if of the opinion that the arrested person has broken or is likely to break any condition on which he was released—
 - (a) give a direction that the arrested person be detained under the authority of the person by whom he was arrested;
 - (b) release him on his original bail; or
 - (c) release him on a new recognizance (with or without sureties) or on new bail.
- (13) If not of that opinion, that court or person must release the arrested person on his original bail.
- (14) In reckoning any period of 24 hours for the purposes of this section, no account is to be taken of Christmas Day, Good Friday or any Sunday.