

SCHEDULES

SCHEDULE 10

IMMIGRATION BAIL

PART 1

MAIN PROVISIONS

Duty to arrange consideration of bail

- 11 (1) Subject as follows, the Secretary of State must arrange a reference to the First-tier Tribunal for the Tribunal to decide whether to grant bail to a person if—
- (a) the person is being detained under a provision mentioned in paragraph 1(1)(a) or (c), and
 - (b) the period of four months beginning with the relevant date has elapsed.
- (2) In sub-paragraph (1)(b) “the relevant date” means—
- (a) the date on which the person’s detention began, or
 - (b) if a relevant event has occurred in relation to the person since that date, the last date on which such an event has occurred in relation to the person.
- (3) The following are relevant events in relation to a person for the purposes of sub-paragraph (2)(b)—
- (a) consideration by the First-tier Tribunal of whether to grant immigration bail to the person;
 - (b) withdrawal by the person of an application for immigration bail treated as made by the person as the result of a reference under this paragraph;
 - (c) withdrawal by the person of a notice given under sub-paragraph (6)(b).
- (4) The reference in sub-paragraph (3)(a) to consideration of whether to grant immigration bail to a person—
- (a) includes such consideration regardless of whether there is a hearing or the First-tier Tribunal makes a determination in the case in question;
 - (b) includes the dismissal of an application by virtue of provision made under paragraph 12(2).
- (5) The reference in sub-paragraph (3)(a) to consideration of whether to grant immigration bail to a person does not include such consideration in a case where—
- (a) the person has made an application for bail, other than one treated as made by the person as the result of a reference under this paragraph, and
 - (b) the First-tier Tribunal is prevented from granting bail to the person by paragraph 3(4) (requirement for Secretary of State’s consent to bail).
- (6) The duty in sub-paragraph (1) to arrange a reference does not apply if—

Status: This is the original version (as it was originally enacted).

- (a) section 3(2) of the Special Immigration Appeals Commission Act 1997 (persons detained in interests of national security etc) applies to the person, or
 - (b) the person has given to the Secretary of State, and has not withdrawn, written notice that the person does not wish the person's case to be referred to the First-tier Tribunal under this paragraph.
- (7) A reference to the First-tier Tribunal under this paragraph in relation to a person is to be treated for all purposes as an application by that person for the grant of bail under paragraph 1(3).