

SCHEDULES

SCHEDULE 10

IMMIGRATION BAIL

PART 1

MAIN PROVISIONS

Conditions of immigration bail

- 2 (1) Subject to sub-paragraph (2), if immigration bail is granted to a person, it must be granted subject to one or more of the following conditions—
- (a) a condition requiring the person to appear before the Secretary of State or the First-tier Tribunal at a specified time and place;
 - (b) a condition restricting the person's work, occupation or studies in the United Kingdom;
 - (c) a condition about the person's residence;
 - (d) a condition requiring the person to report to the Secretary of State or such other person as may be specified;
 - (e) an electronic monitoring condition (see paragraph 4);
 - (f) such other conditions as the person granting the immigration bail thinks fit.
- (2) Sub-paragraph (3) applies in place of sub-paragraph (1) in relation to a person who is being detained under a provision mentioned in paragraph 1(1)(b) or (d) or who is liable to detention under such a provision.
- (3) If immigration bail is granted to such a person—
- (a) subject to sub-paragraphs (5) to (9), it must be granted subject to an electronic monitoring condition,
 - (b) if, by virtue of sub-paragraph (5) or (7), it is not granted subject to an electronic monitoring condition, it must be granted subject to one or more of the other conditions mentioned in sub-paragraph (1), and
 - (c) if it is granted subject to an electronic monitoring condition, it may be granted subject to one or more of those other conditions.
- (4) Immigration bail granted in accordance with sub-paragraph (1) or (3) may also be granted subject to a financial condition (see paragraph 5).
- (5) Sub-paragraph (3)(a) does not apply to a person who is granted immigration bail by the Secretary of State if the Secretary of State considers that to impose an electronic monitoring condition on the person would be—
- (a) impractical, or
 - (b) contrary to the person's Convention rights.

Status: This is the original version (as it was originally enacted).

- (6) Where sub-paragraph (5) applies, the Secretary of State must not grant immigration bail to the person subject to an electronic monitoring condition.
- (7) Sub-paragraph (3)(a) does not apply to a person who is granted immigration bail by the First-tier Tribunal if the Secretary of State informs the Tribunal that the Secretary of State considers that to impose an electronic monitoring condition on the person would be—
 - (a) impractical, or
 - (b) contrary to the person’s Convention rights.
- (8) Where sub-paragraph (7) applies, the First-tier Tribunal must not grant immigration bail to the person subject to an electronic monitoring condition.
- (9) In considering for the purposes of this Schedule whether it would be impractical to impose an electronic monitoring condition on a person, or would be impractical for a person to continue to be subject to such a condition, the Secretary of State may in particular have regard to—
 - (a) any obstacles to making arrangements of the kind mentioned in paragraph 4 in relation to the person,
 - (b) the resources that are available for imposing electronic monitoring conditions on persons to whom sub-paragraph (2) applies and for managing the operation of such conditions in relation to such persons,
 - (c) the need to give priority to the use of those resources in relation to particular categories of persons to whom that sub-paragraph applies, and
 - (d) the matters listed in paragraph 3(2) as they apply to the person.
- (10) In this Schedule “Convention rights” is to be construed in accordance with section 1 of the Human Rights Act 1998.
- (11) In this Schedule “bail condition”, in relation to a person on immigration bail, means a condition to which the person’s bail is subject.