

SCHEDULES

SCHEDULE 10

IMMIGRATION BAIL

PART 2

AMENDMENTS TO OTHER ACTS

Immigration Act 1971 (c. 77)

- 14 The Immigration Act 1971 is amended as follows.
- 15 In section 11(1) (construction of references to entry)—
- (a) omit “, or temporarily admitted or released while liable to detention,”,
 - (b) omit “or by Part III of the Immigration and Asylum Act 1999”, and
 - (c) for “or by section 68 of the Nationality, Immigration and Asylum Act 2002” substitute “or on immigration bail within the meaning of Schedule 10 to the Immigration Act 2016”.
- 16 (1) Section 24 (illegal entry and other similar offences) is amended as follows.
- (2) In subsection (1)—
- (a) omit paragraph (e), and
 - (b) at the end of paragraph (g) insert “;
 - (h) if the person is on immigration bail within the meaning of Schedule 10 to the Immigration Act 2016 and, without reasonable excuse, the person breaches a bail condition within the meaning of that Schedule.”
- (3) In subsection (3) for “28” substitute “28(1)”.
- (4) After that subsection insert—
- “(3A) The extended time limit for prosecutions which is provided for by section 28(1A) below shall apply to offences under subsection (1)(h) above.”
- 17 (1) Section 28 (proceedings for offences) is amended as follows.
- (2) In subsection (1) for “24” substitute “24(3)”.
- (3) After that subsection insert—
- “(1A) Where the offence is one to which, under section 24(3A), an extended time limit for prosecutions is to apply, then—
- (a) an information relating to the offence may in England and Wales be tried by a magistrates’ court if it is laid—

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- (i) within the period of six months beginning with the date of the commission of the offence, or
 - (ii) within the period of three months beginning with the date when the person is first arrested for the offence or under paragraph 10 of Schedule 10 to the Immigration Act 2016 (arrest for breach of bail condition), if that period expires after the end of the period mentioned in sub-paragraph (i),
 - (b) summary proceedings for the offence may in Scotland be commenced—
 - (i) within the period of six months beginning with the date of the commission of the offence, or
 - (ii) within the period of three months beginning with the date when the person is first arrested for the offence or under paragraph 10 of Schedule 10 to the Immigration Act 2016 (arrest for breach of bail condition), if that period expires after the end of the period mentioned in sub-paragraph (i), and
 - (c) a complaint charging the commission of an offence under this paragraph may in Northern Ireland be heard and determined by a magistrates’ court if it is made—
 - (i) within the period of six months beginning with the date of the commission of the offence, or
 - (ii) within the period of three months beginning with the date when the person is first arrested for the offence or under paragraph 10 of Schedule 10 to the Immigration Act 2016 (arrest for breach of bail condition), if that period expires after the end of the period mentioned in sub-paragraph (i).”
- (4) In subsection (2) for “subsection (1)(b)” substitute “subsections (1)(b) and (1A)(b)”.
- 18 In section 28B(5) (meaning of “relevant offence”) for “(e) or (f)” substitute “(f) or (h)”.
- 19 In section 28D(4) (meaning of “relevant offence”) for “(e) or (f)” substitute “(f) or (h)”.
- 20 In Schedule 2 (administrative provisions as to control on entry etc) omit paragraphs 21 to 25 and 29 to 34.
- 21 (1) Schedule 3 (supplementary provisions as to deportation) is amended as follows.
- (2) In paragraph 2—
- (a) in sub-paragraph (1)—
 - (i) omit the words from “, unless” in the first place it appears to “below,”, and
 - (ii) for the words from “unless” in the second place it appears to the end of the sub-paragraph substitute “unless—
 - (a) the court by which the recommendation is made grants bail to the person, or
 - (b) the person is released on immigration bail under Schedule 10 to the Immigration Act 2016.”,

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- (b) in sub-paragraph (1A) for the words from “direct” to the end of the sub-paragraph substitute “release the person on bail without setting aside the recommendation.”,
- (c) in sub-paragraph (3) for the words from “unless” to the end of the sub-paragraph substitute “unless he is released on immigration bail under Schedule 10 to the Immigration Act 2016.”, and
- (d) for sub-paragraphs (4A) to (6) substitute—

“(5) The provisions of Schedule 10 to the Immigration Act 2016 that apply in relation to the grant of immigration bail by the First-tier Tribunal apply in relation to the grant of bail by the court under sub-paragraph (1) or (1A).

(6) If the court grants bail to a person under sub-paragraph (1) or (1A), Schedule 10 to the Immigration Act 2016 applies in relation to that person as if the person had been granted immigration bail by the First-tier Tribunal under that Schedule.

(7) A reference in any provision of, or made under, an enactment other than this paragraph to immigration bail granted, or a condition imposed, under Schedule 10 to the Immigration Act 2016 includes bail granted by the court under sub-paragraph (1) or (1A) or (as the case may be) a condition imposed by the court on the grant of such bail.”

- (3) Omit paragraphs 3 to 10.

Special Immigration Appeals Commission Act 1997 (c. 68)

22 The Special Immigration Appeals Commission Act 1997 is amended as follows.

23 In section 3(1) (jurisdiction: bail) for “Schedule 2 to the Immigration Act 1971” substitute “Schedule 10 to the Immigration Act 2016”.

24 (1) Section 5 (procedure in relation to jurisdiction under sections 2 and 3) is amended as follows.

(2) In subsection (4)(a) for “Part II of Schedule 2 to the Immigration Act 1971” substitute “Schedule 10 to the Immigration Act 2016”.

(3) In subsection (5) for “paragraphs 22 to 24 of Schedule 2 to the Immigration Act 1971” substitute “Schedule 10 to the Immigration Act 2016”.

(4) In subsection (5A)—

(a) for “bail under paragraph 22 or 29 of Schedule 2 to the Immigration Act 1971” substitute “immigration bail under Schedule 10 to the Immigration Act 2016”, and

(b) for “bail” in the second place it appears substitute “immigration bail”.

25 For Schedule 3 substitute—

“SCHEDULE 3

Section 3

BAIL: MODIFICATIONS OF SCHEDULE 10 TO THE IMMIGRATION ACT 2016

1 Paragraph 1(3) (power to grant bail) has effect as if—

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- (a) for “The First-tier Tribunal” there were substituted “The Special Immigration Appeals Commission”, and
 - (b) for “the Tribunal” there were substituted “the Commission”.
- 2 Paragraph 2 (conditions of immigration bail) has effect as if—
- (a) in sub-paragraphs (1)(a), (7) and (8) for “the First-tier Tribunal” there were substituted “the Special Immigration Appeals Commission”, and
 - (b) in sub-paragraph (7) for “the Tribunal” there were substituted “the Commission”.
- 3 Paragraph 3 (exercise of power to grant immigration bail) has effect as if—
- (a) in sub-paragraphs (1), (2)(f), (3), (4), (5) and (6) for “the First-tier Tribunal” there were substituted “the Special Immigration Appeals Commission”, and
 - (b) in sub-paragraph (5) for “the Tribunal” there were substituted “the Commission”.
- 4 Paragraph 4(2)(d) (arrangements under electronic monitoring condition) has effect as if for “the First-tier Tribunal” there were substituted “the Special Immigration Appeals Commission”.
- 5 Paragraph 5(5) (payment of sum under financial condition) has effect as if for “the First-tier Tribunal” there were substituted “the Special Immigration Appeals Commission”.
- 6 Paragraph 6 (power to vary bail conditions) has effect as if—
- (a) in sub-paragraphs (3), (4), (6) and (7) for “the First-tier Tribunal” there were substituted “the Special Immigration Appeals Commission”,
 - (b) in sub-paragraph (5) for “The First-tier Tribunal” there were substituted “The Special Immigration Appeals Commission”, and
 - (c) in sub-paragraphs (3), (4) and (6) for “the Tribunal” there were substituted “the Commission”.
- 7 Paragraph 7(1)(a)(ii) (removal etc of electronic monitoring condition: bail managed by Secretary of State) has effect as if—
- (a) for “the First-tier Tribunal” there were substituted “the Special Immigration Appeals Commission”, and
 - (b) for “the Tribunal” there were substituted “the Commission”.
- 8 Paragraph 8 (amendment etc of electronic monitoring condition: bail managed by First-tier Tribunal) has effect as if—
- (a) in sub-paragraphs (1)(a), (2), (3), (4) and (5) for “the First-tier Tribunal” there were substituted “the Special Immigration Appeals Commission”, and
 - (b) in sub-paragraph (1)(a) for “the Tribunal” there were substituted “the Commission”.
- 9 Paragraph 10(10) (meaning of “relevant authority”) has effect as if for “the First-tier Tribunal” in both places there were substituted “the Special Immigration Appeals Commission”.

Immigration and Asylum Act 1999 (c. 33)

- 26 The Immigration and Asylum Act 1999 is amended as follows.
- 27 In section 10(9) (removal of persons unlawfully in the United Kingdom: application of Schedule 2 to the Immigration Act 1971) omit paragraphs (h) and (i).
- 28 In section 53 (applications for bail in immigration cases) omit subsection (4).
- 29 In section 95(9A) (support for asylum seekers etc: matters to which conditions may relate) in paragraph (b) for the words from “restriction” to the end of the paragraph substitute “condition imposed under Schedule 10 to the Immigration Act 2016 (immigration bail).”
- 30 (1) Section 141 (fingerprinting: persons temporarily admitted to the United Kingdom) is amended as follows.
- (2) In subsection (7)(b) for “temporarily admitted under paragraph 21 of Schedule 2 to the 1971 Act” substitute “granted immigration bail under Schedule 10 to the Immigration Act 2016”.
- (3) In subsection (8)(b) for “admit him temporarily” substitute “grant him bail”.

Nationality, Immigration and Asylum Act 2002 (c. 41)

- 31 The Nationality, Immigration and Asylum Act 2002 is amended as follows.
- 32 (1) Section 23 (power for residence restriction to include requirement to reside at accommodation centre) is amended as follows.
- (2) In subsection (1) for “restriction” substitute “condition”.
- (3) For subsection (2) substitute—
- “(2) In subsection (1) “residence condition” means a condition imposed under Schedule 10 to the Immigration Act 2016.”
- (4) In subsection (4) for “restriction” substitute “condition”.
- 33 In section 30 (conditions of residence at accommodation centres) in subsection (7) for the words from “restriction” to the end of the subsection substitute “condition imposed under Schedule 10 to the Immigration Act 2016.”
- 34 (1) Section 62 (detention by the Secretary of State) is amended as follows.
- (2) In subsection (3) omit paragraph (b) (but not the “and” at the end of it).
- (3) Omit subsection (4).
- 35 Omit sections 68 (bail) and 69 (reporting restriction: travel expenses).
- 36 (1) Section 70 (power for residence restriction to take account of induction programmes for asylum seekers) is amended as follows.
- (2) In subsection (1) for “restriction” in both places substitute “condition”.
- (3) For subsection (2) substitute—
- “(2) In subsection (1) “residence condition” means a condition imposed under Schedule 10 to the Immigration Act 2016.”
- (4) In subsection (5) for “restrictions” substitute “conditions”.

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- 37 (1) Section 71 (asylum seeker: residence etc restriction) is amended as follows.
- (2) In subsection (2)—
- (a) for the words from “restriction” to “restrictions)” substitute “condition which may be imposed under Schedule 10 to the Immigration Act 2016”, and
 - (b) for “that Schedule” substitute “Schedule 2 to the Immigration Act 1971”.
- (3) In subsection (3)—
- (a) for “restriction” in each place substitute “condition”,
 - (b) for “paragraph 21 of that Schedule” substitute “Schedule 10 to the Immigration Act 2016”, and
 - (c) for “that Schedule” substitute “Schedule 2 to the Immigration Act 1971”.
- (4) In subsection (4) for “restriction” substitute “condition”.

Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c. 19)

- 38 In the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 omit section 36 (electronic monitoring).

Immigration, Asylum and Nationality Act 2006 (c. 13)

- 39 In section 24 of the Immigration, Asylum and Nationality Act 2006 (temporary admission)—
- (a) in the heading, for “Temporary admission, &c” substitute “Immigration bail”,
 - (b) for “paragraph 21(1) of Schedule 2 to the Immigration Act 1971 (c 77) (temporary admission or release from detention)” substitute “a grant of immigration bail to the person under Schedule 10 to the Immigration Act 2016”, and
 - (c) in paragraph (b) for “paragraph 21(2)” substitute “that Schedule as a condition of that person’s immigration bail”.

UK Borders Act 2007 (c. 30)

- 40 (1) Section 36 of the UK Borders Act 2007 (detention) is amended as follows.
- (2) In subsection (2) for the words from “unless” to the end of the subsection substitute “unless the person is granted immigration bail under Schedule 10 to the Immigration Act 2016.”
- (3) In subsection (3) for “direct release” substitute “release a person on bail”.
- (4) After subsection (3) insert—
- “(3A) The provisions of Schedule 10 to the Immigration Act 2016 that apply in relation to the grant of immigration bail by the First-tier Tribunal apply in relation to the grant of bail by the court under subsection (3).
 - (3B) If the court grants bail to a person under subsection (3), Schedule 10 to the Immigration Act 2016 applies in relation to that person as if the person had been granted immigration bail by the First-tier Tribunal under that Schedule.

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(3C) A reference in any provision of, or made under, an enactment other than this section to immigration bail granted, or a condition imposed, under Schedule 10 to the Immigration Act 2016 includes bail granted by the court under subsection (3) or (as the case may be) a condition imposed by the court on the grant of such bail.”

(5) In subsection (4) omit “(including provisions about bail)”.

(6) Omit subsection (5).

Criminal Justice and Immigration Act 2008 (c. 4)

41 The Criminal Justice and Immigration Act 2008 is amended as follows.

42 In section 132(4) (special immigration status: effect of designation) in paragraph (b) for the words from “temporary admission” to the end of the paragraph substitute “immigration bail under Schedule 10 to the Immigration Act 2016.”

43 In section 133 (special immigration status: conditions) for subsections (3) and (4) substitute—

“(3) If a condition is imposed under this section on a designated person, the person imposing the condition may also impose an electronic monitoring condition within the meaning of Schedule 10 to the Immigration Act 2016 on the designated person.

(3A) Paragraph 4 (electronic monitoring conditions) of that Schedule applies in relation to a condition imposed under subsection (3) as it applies to an electronic monitoring condition imposed under that Schedule.

(4) Paragraph 9(4) and (5) (bail conditions: travelling expenses) of that Schedule applies in relation to conditions imposed under subsection (2)(c) as it applies to conditions imposed under that Schedule.”