
STATUTORY INSTRUMENTS

2003 No. 1034

**The Special Immigration Appeals
Commission (Procedure) Rules 2003**

PART 6

BAIL

Bail hearing and decision

- 30.**—(1) Where an application for bail is filed, the Commission must—
- (a) as soon as reasonably practicable, serve a copy of the application on the Secretary of State; and
 - (b) fix a hearing.
- (2) If the Secretary of State wishes to contest the application, he must file with the Commission a written statement of his reasons for doing so—
- (a) not later than 2.00 p.m. the day before the hearing; or
 - (b) where he received notice of the hearing less than 24 hours before that time, as soon as reasonably practicable.
- (3) If the Secretary of State objects to a statement filed under paragraph (2) being disclosed to the applicant or his representative, rules 37 and 38 shall apply.
- (4) The Commission must serve written notice of—
- (a) its decision upon an application for bail; and
 - (b) if and to the extent that it is possible to do so without disclosing information contrary to the public interest, the reasons for its decision,
- on the applicant, the Secretary of State, and the person having custody of the applicant.
- (5) Where bail is granted, the notice must include—
- (a) the conditions of bail; and
 - (b) the amounts in which the applicant and any sureties are to be bound.
- (6) The recognizance of the applicant or of a surety must be in writing and must state—
- (a) the amount in which he agrees to be bound; and
 - (b) that he has read and understood the bail decision and that he agrees to pay that amount of money if the applicant fails to comply with the conditions set out in the bail decision.
- (7) The recognizance must be—
- (a) signed by the applicant or surety; and
 - (b) filed with the Commission.
- (8) The person having custody of an applicant must release him upon—
- (a) being served with a copy of the decision to grant bail; and

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- (b) being satisfied that any recognizances required as a condition of that decision have been entered into.