

## SCHEDULE

Regulation 3

### Transitional Provisions

#### Persons on immigration bail on 31st August 2021

1. Paragraph 3 applies to a person who—
  - (a) is on immigration bail on 31st August 2021 pursuant to a grant of immigration bail made before that day,
  - (b) before the grant of immigration bail, was detained or liable to be detained under paragraph 2(1), (2) or (3) of Schedule 3 to the Immigration Act 1971(1) (detention pending deportation) or section 36(1) of the UK Borders Act 2007(2) (detention pending deportation), and
  - (c) is not subject to an electronic monitoring condition(3).
2. Paragraph 3 applies to a person who on 31st August 2021—
  - (a) is not in detention on the basis that—
    - (i) the person was liable to be detained under paragraph 2(1) of Schedule 3 to the Immigration Act 1971 but, by virtue of a direction of the Secretary of State or the court, is not so detained,
    - (ii) the person was liable to be detained under paragraph 2(2) or (3) of that Schedule but is not so detained,
    - (iii) the person has been released from detention under section 36(3) of the UK Borders Act 2007, or
    - (iv) the person has been released on bail from detention under paragraph 2 of Schedule 3 to the Immigration Act 1971, and
  - (b) by virtue of the Immigration Act 2016 (Commencement No. 7 and Transitional Provisions) Regulations 2017(4) is treated as having been granted immigration bail, and
  - (c) is not treated as being subject to an electronic monitoring condition, and
  - (d) is not otherwise subject to an electronic monitoring condition.
3. Subject to paragraph 4, beginning from 31st January 2022 the power in paragraph 6(1)(b) of Schedule 10 to the 2016 Act to impose a new bail condition must be exercised in relation to a person to whom this paragraph applies so as to impose an electronic monitoring condition.
4. Paragraph 7 or 8 (as the case may be) of Schedule 10 to the 2016 Act has effect in relation to a person to whom paragraph 3 applies with the following modifications—
  - (a) in sub-paragraph 7(4), omit “, by virtue of paragraph 2(5) or (7) or this paragraph,”, and
  - (b) in sub-paragraph 8(4), omit “, by virtue of paragraph 2(7) or this paragraph,”.

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(1) 1971 c. 77; paragraph 2 of Schedule 3 was amended by section 34 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c. 19); paragraph 7 of Schedule 7 to, the Nationality, Immigration and Asylum Act 2002 (c. 41); and section 61 of, and paragraphs 14 and 21 of Schedule 10 to, the Immigration Act 2016 (c. 19). Other amendments have been made to paragraph 2 but they are not relevant to these Regulations.

(2) 2007 c. 30; section 36(1) has been commenced by S.I. 2008/1818 but only in respect of a person for whom condition 1 of section 32 applies.

(3) See paragraph 4(1) of Schedule 10 to the 2016 Act for the definition of “electronic monitoring condition” for the purposes of Schedule 10.

(4) S.I. 2017/1241, amended by S.I. 2018/31.