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*Changes to legislation: Immigration Act 1971, Cross Heading: Forfeiture of recognizances is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

#### ADMINISTRATIVE PROVISIONS AS TO CONTROL ON ENTRY ETC.

##### Modifications etc. (not altering text)

- C1** Sch. 2 modified (10.6.1991) by Criminal Justice (International Co-operation) Act 1990 (c. 5, SIF 39:1), s. 6(6)(b); S.I. 1991/1072, art. 2, Sch. Pt.I
- C1** Sch. 2 modified (2.8.1993) by S.I. 1993/1813, arts. 7(1), 1, Sch. 4 para. 1(11) (as amended: (1.12.1997) by S.I. 1994/1405, art. 8, Sch. 4 para. 11; (30.7.2000) by S.I. 2000/1775, arts. 1, 2(2); (25.5.2001) by S.I. 2001/1544, arts. 1(2), 6(3) (as itself amended (2.1.2008) by S.I. 2007/3579, art. 2(2)(3)); (5.8.2014) by S.I. 2014/1814, arts. 1, 2(3)(4); and (30.9.2020) by S.I. 2020/915, arts. 1(2), 5(5))  
Sch. 2 extended (with modifications): (Guernsey) (1.8.1993) by S.I. 1993/1796, art. 3(1), Sch. 1 Pt. 1; (Jersey) (1.8.1993) by S.I. 1993/1797, art. 3(1), Sch. 1 Pt. 1 (as amended (17.10.2012) by S.I. 2012/2593, arts. 1, 2(2))  
Sch. 2 applied (20.7.1994) by S.I. 1994/1895, art. 20(2)  
Sch. 2 amended (2.10.2000) by 1999 c. 33, s. 66; S.I. 2000/2444, art. 2, Sch. 1 (subject to transitional provisions in art. 3, Sch. 2 para. 2)  
Sch. 2 extended (10.2.2003) (with modifications) by 2002 c. 41, s. 62(3) (with s. 159); S.I. 2003/1, art. 2, Sch. 2, Sch.  
Sch. 2 amended (1.4.2003) by 2002 c. 41, s. 68 (with s. 159); S.I. 2003/754, art. 2, Sch. 1 (with transitional provisions in arts. 3, 4, Sch. 2) (as amended by S.I. 2003/1040 and S.I. 2003/1339)
- C1** Sch. 2 applied by The Immigration (European Economic Area) Regulations 2006 (S.I. 2006/1003), reg. 24(4) (as substituted (1.6.2009) by The Immigration (European Economic Area) (Amendment) Regulations 2009 (S.I. 2009/1117), reg. 2, Sch. 1 para. 10(c))

## PART II

### EFFECT OF APPEALS

##### Modifications etc. (not altering text)

- C1** Sch. 2 Pt. II amended (26.7.1993) by 1993 c. 23, s. 8(6), Sch. 2 para.9; S.I. 1993/1655, art.2  
Sch. 2 Pt. II extended (with modifications) (Isle of Man) (1.4.1997) by S.I. 1997/275, art. 2(1), Sch.  
Sch. 2 Pt. II: power to modify conferred (11.6.1998) by 1997 c. 68, s. 5(4)(a); S.I. 1998/1336, art.2  
Sch. 2 Pt. II extended (3.8.1998) by 1997 c. 68, s. 2, Sch. 2 paras.3(1), 4; S.I. 1998/1892, art.2

#### *Forfeiture of recognizances*

- 31 (1) Where under paragraph 29 above (as it applies in England and Wales or in Northern Ireland) a recognizance is entered into conditioned for the appearance of an appellant before [F<sup>1</sup>the Tribunal] , and it appears to [F<sup>2</sup>the Tribunal] , to be forfeited, [F<sup>3</sup>the Tribunal] may by order declare it to be forfeited and adjudge the persons bound

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thereby, whether as principal or sureties, or any of them, to pay the sum in which they are respectively bound or such part of it, if any, as [<sup>F3</sup>the Tribunal] thinks fit.

- (2) An order under this paragraph shall, for the purposes of this sub-paragraph, specify a magistrates' court or, in Northern Ireland, court of summary jurisdiction; and the recognizance shall be treated for the purposes of collection, enforcement and remission of the sum forfeited as having been forfeited by the court so specified.
- (3) Where [<sup>F1</sup>the Tribunal] makes an order under this paragraph [<sup>F3</sup>the Tribunal] shall, as soon as practicable, give particulars of the recognizance to the [<sup>F4</sup>proper officer] of the court specified in the order in pursuance of sub-paragraph (2) above.
- [<sup>F5</sup>(3A) In sub-paragraph (3) “proper officer” means—
- (a) in relation to a magistrates' court in England and Wales, the [<sup>F6</sup>designated officer] for the court; and
  - (b) in relation to a court of summary jurisdiction in Northern Ireland, the clerk of the court.]
- (4) Any sum the payment of which is enforceable by a magistrates' court in England or Wales by virtue of this paragraph shall be treated for the [<sup>F7</sup>purposes of section 38 of the Courts Act 2003 (application of receipts of designated officers) as being] due under a recognizance forfeited by such a court . . . <sup>F8</sup>
- (5) Any sum the payment of which is enforceable by virtue of this paragraph by a court of summary jurisdiction in Northern Ireland shall, for the purposes of section 20(5) of the <sup>M1</sup>Administration of Justice Act (Northern Ireland) 1954, be treated as a forfeited recognizance.

#### Textual Amendments

- F1** Words in Sch. 2 para. 31 substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), s. 26, Sch. 2 para. 1\(5\)\(b\)](#); S.I. 2005/565, [art. 2](#) (with arts. 3-9)
- F2** Words in Sch. 2 para. 31 substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), s. 26, Sch. 2 para. 1\(5\)\(c\)](#); S.I. 2005/565, [art. 2](#) (with arts. 3-9)
- F3** Words in Sch. 2 para. 31 substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), s. 26, Sch. 2 para. 1\(5\)\(d\)](#); S.I. 2005/565, [art. 2](#) (with arts. 3-9)
- F4** Words in Sch. 2 para. 31(3) substituted (1.4.2001) by [1999 c. 22, s. 90, Sch. 13 paras. 64, 70\(1\)\(4\)](#) (with [s. 107, Sch. 14 para. 7\(2\)](#)); S.I. 2001/916, [art. 2\(a\)\(ii\)](#) (with [Sch. 2 para. 2](#))
- F5** Sch. 2 para. 31(3A) inserted (1.4.2001) by [1999 c. 22, s. 90, Sch. 13 paras. 64, 70\(1\)\(5\)](#) (with [Sch. 14 para. 7\(2\)](#)); S.I. 2001/916, [art. 2\(a\)\(ii\)](#) (with [Sch. 2 para. 2](#))
- F6** Words in Sch. 2 para. 31(3A)(a) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\), s. 109\(1\), Sch. 8 para. 149\(2\)](#); S.I. 2005/910, [art. 3\(y\)\(bb\)](#)
- F7** Words in Sch. 2 para. 31(4) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\), s. 109\(1\), Sch. 8 para. 149\(3\)](#); S.I. 2005/910, [art. 3\(y\)\(bb\)](#)
- F8** Words repealed by [Criminal Justice Act 1972 \(c. 71\), Sch. 6 Pt. II](#)

#### Modifications etc. (not altering text)

- C1** Sch. 2 paras. 30-33 applied (with modifications) (1.9.1996) by [1993 c. 23, s. 9A](#) (as inserted (1.9.1996) by [1996 c. 49, s. 12\(2\), Sch. 3 para. 3](#); S.I. 1996/2053, [art. 2, Sch. Pt. II](#))  
 Sch. 2 para. 31 modified (3.8.1998) by [1997 c. 68, s. 3, Sch. 3 para. 6](#); S.I. 1998/1892, [art. 2](#)

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### Marginal Citations

**M1** 1954 c. 9 (N.I.)

- 32 Where under paragraph 29 above (as it applies in Scotland) a person released on bail fails to comply with the terms of a bail bond conditioned for his appearance before [<sup>F9</sup>the Tribunal] , [<sup>F10</sup>the Tribunal] may declare the bail to be forfeited, and any bail so forfeited shall be transmitted by [<sup>F11</sup>the Tribunal] to the sheriff court having jurisdiction in the area where the proceedings took place, and shall be treated as having been forfeited by that court.

### Textual Amendments

- F9** Words in Sch. 2 para. 32 substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), s. 26, **Sch. 2 para. 1(5)(b)**; S.I. 2005/565, **art. 2** (with arts. 3-9)
- F10** Words in Sch. 2 para. 32 substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), s. 26, **Sch. 2 para. 1(5)(d)**; S.I. 2005/565, **art. 2** (with arts. 3-9)
- F11** Words in Sch. 2 para. 32 substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), s. 26, **Sch. 2 para. 1(5)(e)**; S.I. 2005/565, **art. 2** (with arts. 3-9)

### Modifications etc. (not altering text)

- C2** Sch. 2 paras. 30-33 applied (with modifications) (1.9.1996) by [1993 c. 23, s. 9A](#) (as inserted (1.9.1996) by [1996 c. 49, s. 12\(2\)](#), **Sch. 3 para.3**; S.I. 1996/2053, art. 2, **Sch. Pt.II**)
- Sch. 2 para. 32 modified (3.8.1998) by [1997 c. 68, s. 3](#), **Sch. 3 para.7**; S.I. 1998/1892, **art.2**

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