

Status: Point in time view as at 15/02/2010.

Changes to legislation: Immigration Act 1971, Cross Heading: Restrictions on grant of bail 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. 2](#)
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. 2](#)
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](#)

Restrictions on grant of bail

- 30 (1) An appellant shall not be released under paragraph 29 above without the consent of the Secretary of State if directions for the removal of the appellant from the United Kingdom are for the time being in force, or the power to give such directions is for the time being exercisable.

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- (2) Notwithstanding paragraph 29(3) or (4) above, [^{F1}the Tribunal] shall not be obliged to release an appellant unless the appellant enters into a proper recognizance, with sufficient and satisfactory sureties if required, or in Scotland sufficient and satisfactory bail is found if so required; and [^{F1}the Tribunal] shall not be obliged to release an appellant if it appears to [^{F2}the Tribunal]—
- (a) that the appellant, having on any previous occasion been released on bail (whether under paragraph 24 or under any other provision), has failed to comply with the conditions of any recognizance or bail bond entered into by him on that occasion;
 - (b) that the appellant is likely to commit an offence unless he is retained in detention;
 - (c) that the release of the appellant is likely to cause danger to public health;
 - (d) that the appellant is suffering from mental disorder and that his continued detention is necessary in his own interests or for the protection of any other person; or
 - (e) that the appellant is under the age of seventeen, that arrangements ought to be made for his care in the event of his release and that no satisfactory arrangements for that purpose have been made.

Textual Amendments

- F1** Words in Sch. 2 para. 30 substituted (4.4.2005) by *Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), s. 26, Sch. 2 para. 1(5)(a)*; S.I. 2005/565, **art. 2** (with arts. 3-9)
- F2** Words in Sch. 2 para. 30 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)

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. 30 modified (3.8.1998) by *1997 c. 68, s. 3, Sch. 3 para.5*; S.I. 1998/1892, **art.2**
- C2** Sch. 2 para. 30(1) applied (with modifications) (14.12.2001) by *2001 c. 24, ss. 24(2)(d), 127(2)*

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