

Status: Point in time view as at 28/07/2014.

Changes to legislation: Special Immigration Appeals Commission Act 1997, SCHEDULE 3 is up to date with all changes known to be in force on or before 21 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 3

Section 3.

BAIL: MODIFICATIONS OF SCHEDULE 2 TO THE IMMIGRATION ACT 1971

- 1 (1) Paragraph 22 shall be amended as follows.
- (2) In sub-paragraph (1A), for the words from the beginning to [^{F1}"Tribunal"] there shall be substituted " The Special Immigration Appeals Commission ".
- (3) In sub-paragraph (2)—
- (a) for the words "immigration officer or [^{F2}the First-tier Tribunal]" there shall be substituted " Special Immigration Appeals Commission ", and
- (b) for the words "officer or [^{F2}the First-tier Tribunal]" there shall be substituted " Commission ".
- (4) In sub-paragraph (3)—
- (a) for "an immigration officer or [^{F3}the First-tier Tribunal]" there shall be substituted " the Special Immigration Appeals Commission ", and
- (b) for "officer or [^{F3}the First-tier Tribunal]", in both places, there shall be substituted " Commission ".

Textual Amendments

- F1** Words in Sch. 3 para. 1(2) substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), s. 48\(3\), Sch. 2 para. 13\(2\)](#); S.I. 2005/565, art. 2(d) (with arts. 3-9)
- F2** Words in Sch. 3 para. 1(3)(a)(b) substituted (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\), art. 1, Sch. 1 para. 17](#) (with Sch. 4)
- F3** Words in Sch. 3 para. 1(4)(a)(b) substituted (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\), art. 1, Sch. 1 para. 17](#) (with Sch. 4)

- 2 (1) Paragraph 23 shall be amended as follows.
- (2) In sub-paragraph (1)—
- (a) for "[^{F4}the First-tier Tribunal] " there shall be substituted " the Special Immigration Appeals Commission ", and
- (b) for "[^{F4}the First-tier Tribunal]", in each place, there shall be substituted " the Commission ".
- (3) In sub-paragraph (2)—
- (a) for "[^{F5}the First-tier Tribunal]" there shall be substituted " the Special Immigration Appeals Commission ", and
- (b) for "[^{F5}the First-tier Tribunal]" there shall be substituted " the Commission ".

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Textual Amendments

- F4** Words in Sch. 3 para. 2(2)(a)(b) substituted (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 1 para. 17** (with Sch. 4)
- F5** Words in Sch. 3 para. 2(3)(a)(b) substituted (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\)](#), art. 1, **Sch. 1 para. 17** (with Sch. 4)

3 (1) Paragraph 24 shall be amended as follows.

(2) For sub-paragraph (2), there shall be substituted—

“(2) A person arrested under this paragraph shall be brought before the Special Immigration Appeals Commission within twenty-four hours.”

(3) In sub-paragraph (3), for the words from the beginning to “above” there shall be substituted “ Where a person is brought before the Special Immigration Appeals Commission by virtue of sub-paragraph (2) above, the Commission— ”.

4 (1) Paragraph 29 shall be amended as follows.

[^{F6}(1A) In sub-paragraph (1) after “2002” there shall be inserted “or section 2 of the Special Immigration Appeals Commission Act 1997 or a review pending under section 2E of that Act.”]

(2) For sub-paragraphs (2) to (4) there shall be substituted—

“(2) The Special Immigration Appeals Commission may release an appellant on his entering into a recognizance or, in Scotland, bail bond conditioned for his appearance before the Commission at a time and place named in the recognizance or bail bond.”

(3) For sub-paragraph (6) there shall be substituted—

“(6) In any case in which the Special Immigration Appeals Commission has power to release an appellant on bail, the Commission may, instead of taking the bail, fix the amount and conditions of the bail (including the amount in which any sureties are to be bound) with a view to its being taken subsequently by any such person as may be specified by the Commission; and on the recognizance or bail bond being so taken the appellant shall be released.”

Textual Amendments

- F6** Sch. 3 para. 4(1A) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 9 para. 10(3)**; [S.I. 2014/1820](#), art. 3(cc)

5 Paragraph 30(2) shall be omitted.

6 (1) Paragraph 31 shall be amended as follows.

(2) In sub-paragraph (1)—

(a) for [^{F7}“the Tribunal”] there shall be substituted “ the Special Immigration Appeals Commission ”,

(b) for [^{F8}“the Tribunal”] there shall be substituted “ the Commission ”, and

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(c) for [^{F9}“the Tribunal”], in both places, there shall be substituted “ the Commission ”.

(3) In sub-paragraph (3)—

(a) for [^{F10}“the Tribunal”] there shall be substituted “ the Special Immigration Appeals Commission ”, and

(b) for [^{F11}“the Tribunal”] there shall be substituted “ it ”.

Textual Amendments

- F7** Words in Sch. 3 para. 6(2)(a) substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), s. 48\(3\), Sch. 2 para. 13\(10\)](#); S.I. 2005/565, art. 2(d) (with arts. 3-9)
- F8** Words in Sch. 3 para. 6(2)(b) substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), s. 48\(3\), Sch. 2 para. 13\(11\)](#); S.I. 2005/565, art. 2(d) (with arts. 3-9)
- F9** Words in Sch. 3 para. 6(2)(c) substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), s. 48\(3\), Sch. 2 para. 13\(12\)](#); S.I. 2005/565, art. 2(d) (with arts. 3-9)
- F10** Words in Sch. 3 para. 6(3)(a) substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), s. 48\(3\), Sch. 2 para. 13\(13\)](#); S.I. 2005/565, art. 2(d) (with arts. 3-9)
- F11** Words in Sch. 3 para. 6(3)(b) substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), s. 48\(3\), Sch. 2 para. 13\(14\)](#); S.I. 2005/565, art. 2(d) (with arts. 3-9)

7 Paragraph 32 shall be amended as follows—

(a) for [^{F12}“the Tribunal”] there shall be substituted “ the Special Immigration Appeals Commission ”,

(b) for [^{F13}“the Tribunal”] there shall be substituted “ the Commission ”, and

(c) for [^{F14}“the Tribunal”] there shall be substituted “ the Commission ”.

Textual Amendments

- F12** Words in Sch. 3 para. 7(a) substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), s. 48\(3\), Sch. 2 para. 13\(15\)](#); S.I. 2005/565, art. 2(d) (with arts. 3-9)
- F13** Words in Sch. 3 para. 7(b) substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), s. 48\(3\), Sch. 2 para. 13\(16\)](#); S.I. 2005/565, art. 2(d) (with arts. 3-9)
- F14** Words in Sch. 3 para. 7(c) substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), s. 48\(3\), Sch. 2 para. 13\(17\)](#); S.I. 2005/565, art. 2(d) (with arts. 3-9)

8 (1) Paragraph 33 shall be amended as follows.

(2) For sub-paragraph (2), there shall be substituted—

“(2) A person arrested under this paragraph shall be brought before the Special Immigration Appeals Commission within twenty-four hours.”

(3) In sub-paragraph (3), for the words from the beginning to “above” there shall be substituted “ Where a person is brought before the Special Immigration Appeals Commission by virtue of sub-paragraph (2) above, the Commission— ”.

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