SCHEDULES

SCHEDULE 9

TRANSITIONAL AND CONSEQUENTIAL PROVISION

PART 2

PROVISION RELATING TO DETENTION AND BAIL

Prison Act 1952 (c. 52)

8 (1) Section 5A of the Prison Act 1952 (appointment and functions of Her Majesty's Chief Inspector of Prisons) is amended as follows.

(2) In subsection (5A)—

(a) omit "and" at the end of paragraph (b);

(b) after paragraph (b) insert—

"(ba) in relation to pre-departure accommodation within the meaning of that section, and".

(3) In subsection (5B)—

(a) in paragraph (a), after "facilities" insert ", accommodation";

(b) in paragraph (b)(i), after "facilities" insert ", pre-departure accommodation".

Immigration Act 1971 (c. 77)

9 In Schedule 3 to the Immigration Act 1971 (supplementary provisions as to deportation), in paragraph 3, for "33" substitute "33A".

Special Immigration Appeals Commission Act 1997 (c. 68)

10 (1) The Special Immigration Appeals Commission Act 1997 is amended as follows.

(2) In section 5 (procedure in relation to SIAC's jurisdiction on appeals and bail), after subsection (5) insert—

"(5A) Rules under this section must secure that, where the Commission has decided not to release a person on bail under paragraph 22 or 29 of Schedule 2 to the Immigration Act 1971, the Commission is required to dismiss any further application by the person for release on bail that is made during the period of 28 days starting with the date of the Commission's decision, unless there has been a material change in circumstances."

(3) In Schedule 3 (bail: modifications of Schedule 2 to the Immigration Act 1971), in paragraph 4, after sub-paragraph (1) insert—

"(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."

Northern Ireland Act 1998 (c. 47)

11 In section 69C of the Northern Ireland Act 1998 (investigations: places of detention), in subsection (3)(g), for "or short-term holding facility" substitute ", a short-term holding facility or pre-departure accommodation".

Immigration and Asylum Act 1999 (c. 33)

12 (1) The Immigration and Asylum Act 1999 is amended as follows.

(2) In Schedule 11 (detainee custody officers)—

(a) in the heading above paragraph 3, at the end insert "and pre-departure accommodation";

(b) in paragraph 3—

(i) in sub-paragraph (1), after "facility" insert "or in pre-departure accommodation";

(ii) in sub-paragraph (2), after "facility" (in both places) insert "or accommodation";

(c) in paragraph 4(c), after "facility" insert "or in pre-departure accommodation";

(d) in paragraph 5(c), after "facility" insert "or in pre-departure accommodation".

(3) In Schedule 12 (discipline etc at removal centres)—

(a) in paragraph 4 (assisting detained persons to escape)—

(i) in sub-paragraph (1), for "or short-term holding facility" substitute ", a short-term holding facility or pre-departure accommodation";

(ii) in the opening words of sub-paragraph (2), for "or short-term holding facility" substitute ", a short-term holding facility or pre-departure accommodation";

(iii) in sub-paragraph (2)(a), for "or facility" substitute ", facility or accommodation";

(iv) in sub-paragraph (2)(b), for "or facility" substitute ", facility or accommodation";

(v) in sub-paragraph (2)(c), for "or facility" substitute ", facility or accommodation";

(b) in paragraph 8 (notice of penalties)—

(i) in sub-paragraph (1), after "facility" insert "or contracted out pre-departure accommodation";

(ii) in sub-paragraph (2), after "facility" insert "or pre-departure accommodation".

Nationality, Immigration and Asylum Act 2002 (c. 41)

13 In section 62 of the Nationality, Immigration and Asylum Act 2002 (detention by Secretary of State), in subsection (3), after paragraph (a) insert—

"(aa) a reference in paragraph 18B of that Schedule to an immigration officer shall be read as a reference to the Secretary of State,".

Safeguarding Vulnerable Groups Act 2006 (c. 47)

14 In section 59 of the Safeguarding Vulnerable Groups Act 2006 (vulnerable adults), in subsection (7)(d), after "facility" insert "or in pre-departure accommodation".

Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)

15 In section 2 of the Corporate Manslaughter and Corporate Homicide Act 2007 (meaning of "relevant duty of care")—

(a) in subsection (2)(b), for "or short-term holding facility" substitute ", a short-term holding facility or in pre-departure accommodation";

(b) in subsection (7), for "and "short-term holding facility"" substitute ", "short-term holding facility" and "pre-departure accommodation"".

UK Borders Act 2007 (c. 30)

16 In section 48 of the UK Borders Act 2007 (establishment of border and immigration inspectorate), in subsection (2A)(a), after "facilities" insert "and in pre-departure accommodation".