

Changes to legislation: Immigration Act 2016, Paragraph 13 is up to date with all changes known to be in force on or before 01 September 2023. 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) View outstanding changes

SCHEDULES

SCHEDULE 10

IMMIGRATION BAIL

Modifications etc. (not altering text)

- C1** Sch. 10 applied (with modifications) (31.1.2020) by [The Immigration \(Citizens Rights Appeals\) \(EU Exit\) Regulations 2020 \(S.I. 2020/61\)](#), reg. 1(2), Sch. 3 para. 2(1)(b)(4)
- C1** Sch. 10 modified (15.1.2018 for specified purposes, 31.8.2021 for E.W. in so far as not already in force, 31.8.2022 for S.N.I. in so far as not already in force) by [1997 c. 68](#), **Sch. 3** (as substituted by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 10 para. 25**; S.I. 2017/1241, reg. 2(c) (with **Sch.**) (as amended by S.I. 2018/31, **reg. 2**); S.I. 2021/939, reg. 2(b) (with Sch. para. 1, **2**); S.I. 2022/863, regs. 1(2), **2(b)**)
- C1** Sch. 10 applied by [2007 c. 30](#), s. **36(3A)-(3C)** (as inserted (15.1.2018) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 10 para. 40(4)**; S.I. 2017/1241, reg. 2(c) (with **Sch.**) (as amended by S.I. 2018/31, **reg. 2**))
- C2** Sch. 10 applied by [1971 c. 77](#), **Sch. 3 para. 2(5)-(7)** (as substituted (15.1.2018) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 10 para. 21(2)(d)**; S.I. 2017/1241, reg. 2(c) (with **Sch.**) (as amended by S.I. 2018/31, **reg. 2**))

PART 1

MAIN PROVISIONS

Modifications etc. (not altering text)

- C1** Sch. 10 Pt. 1 applied (with modifications) (31.12.2020) by [The Citizens' Rights \(Frontier Workers\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1213\)](#), regs. 1(2)(3), **13(2)**

Transitional provision

- 13 (1) Regulations under section 92(1) may, in particular, provide for a person to whom this sub-paragraph applies to be treated, for such purposes as may be specified, as having been granted immigration bail in such circumstances and subject to such conditions as may be specified.
- (2) Sub-paragraph (1) applies to a person who, at the specified time, was not in detention on the basis that—
- (a) the person had been temporarily admitted to the United Kingdom under paragraph 21 of Schedule 2 to the Immigration Act 1971,
 - (b) the person had been released from detention under that paragraph,
 - (c) 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, was not so detained,

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- (d) the person was liable to be detained under paragraph 2(2) or (3) of that Schedule but was not so detained,
 - (e) the person had been released from detention under section 36(3) of the UK Borders Act 2007, or
 - (f) the person had been released on bail from detention under any provision of the Immigration Acts.
- (3) Regulations under section 92(1) may, in particular—
- (a) make provision about the circumstances in which the power in paragraph 6(1) may or must be exercised so as to impose an electronic monitoring condition on a person to whom this sub-paragraph applies;
 - (b) enable the Secretary of State to exercise a discretion in determining whether an electronic monitoring condition should be imposed on such a person, and may, in particular, do so by providing for paragraph 7 or 8 to have effect with modifications in relation to such a person.
- (4) Sub-paragraph (3) applies to a person who—
- (a) by virtue of regulations under section 92(1) is treated as having been granted immigration bail as a result of falling within—
 - (i) sub-paragraph (2)(c), (d) or (e), or
 - (ii) sub-paragraph (2)(f) on the basis that the person had been released on bail from detention under paragraph 2 of Schedule 3 to the Immigration Act 1971,
 - (b) is not treated as being subject to an electronic monitoring condition, and
 - (c) is not otherwise subject to an electronic monitoring condition.
- (5) Sub-paragraph (3) applies to a person who—
- (a) is on immigration bail pursuant to a grant before the coming into force of paragraph 2(2) and (3), or the coming into force of those provisions in relation to grants of that kind,
 - (b) before the grant of immigration bail, was detained or liable to detention under a provision mentioned in paragraph 1(1)(b) or (d), and
 - (c) is not subject to an electronic monitoring condition.
- (6) In this paragraph “specified” means specified in regulations under section 92(1).

Commencement Information

- II** Sch. 10 para. 13 in force at 15.1.2018 by [S.I. 2017/1241](#), [reg. 2\(c\)](#) (with [Sch.](#)) (as amended by [S.I. 2018/31](#), reg. 2)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/1241, Sch. by [S.I. 2018/31 reg. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 69(9)(d) and word inserted by [2023 c. 37 s. 21\(2\)\(b\)](#)
- Sch. 10 para. 3(2)(eza) inserted by [2023 c. 37 s. 13\(3\)\(a\)](#)
- Sch. 10 para. 3(3A)-(3C) inserted by [2023 c. 37 s. 13\(3\)\(b\)](#)
- Sch. 10 para. 3A and cross-heading inserted by [2023 c. 37 s. 13\(4\)](#)