

Changes to legislation: Immigration Act 2016, Paragraph 40 is up to date with all changes known to be in force on or before 22 April 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) 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 2

AMENDMENTS TO OTHER ACTS

UK Borders Act 2007 (c. 30)

- 40 (1) Section 36 of the UK Borders Act 2007 (detention) is amended as follows.
- (2) In subsection (2) for the words from “unless” to the end of the subsection substitute “ unless the person is granted immigration bail under Schedule 10 to the Immigration Act 2016. ”
 - (3) In subsection (3) for “direct release” substitute “ release a person on bail ”.
 - (4) After subsection (3) insert—
 - “(3A) The provisions of Schedule 10 to the Immigration Act 2016 that apply in relation to the grant of immigration bail by the First-tier Tribunal apply in relation to the grant of bail by the court under subsection (3).
 - (3B) If the court grants bail to a person under subsection (3), Schedule 10 to the Immigration Act 2016 applies in relation to that person as if the person had been granted immigration bail by the First-tier Tribunal under that Schedule.
 - (3C) A reference in any provision of, or made under, an enactment other than this section to immigration bail granted, or a condition imposed, under Schedule 10 to the Immigration Act 2016 includes bail granted by the court

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under subsection (3) or (as the case may be) a condition imposed by the court on the grant of such bail.”

(5) In subsection (4) omit “(including provisions about bail)”.

(6) Omit subsection (5).

Commencement Information

II Sch. 10 para. 40 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\(4\)](#)