

*Status: Point in time view as at 31/08/2021.*

*Changes to legislation: Immigration Act 2016, Paragraph 7 is up to date with all changes known to be in force on or before 25 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 10

#### IMMIGRATION BAIL

##### Modifications etc. (not altering text)

- C1 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**))
- 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**))
- 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)**)

### 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)**

*Removal etc of electronic monitoring condition: bail managed by Secretary of State*

- 7 (1) This paragraph applies to a person who—
- (a) is on immigration bail—
    - (i) pursuant to a grant by the Secretary of State, or
    - (ii) pursuant to a grant by the First-tier Tribunal in a case where the Tribunal has directed that the power in paragraph 6(1) is exercisable by the Secretary of State, and
  - (b) before the grant of immigration bail, was detained or liable to detention under a provision mentioned in paragraph 1(1)(b) or (d).
- (2) Where the person is subject to an electronic monitoring condition, the Secretary of State—
- (a) must not exercise the power in paragraph 6(1) so as to remove the condition unless sub-paragraph (3) applies, but

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- (b) if that sub-paragraph applies, must exercise that power so as to remove the condition.
- (3) This sub-paragraph applies if the Secretary of State considers that—
  - (a) it would be impractical for the person to continue to be subject to the condition, or
  - (b) it would be contrary to that person's Convention rights for the person to continue to be subject to the condition.
- (4) If, by virtue of paragraph 2(5) or (7) or this paragraph, the person is not subject to an electronic monitoring condition, the Secretary of State—
  - (a) must not exercise the power in paragraph 6(1) so as to impose such a condition on the person unless sub-paragraph (5) applies, but
  - (b) if that sub-paragraph applies, must exercise that power so as to impose such a condition on the person.
- (5) This sub-paragraph applies if, having considered whether it would be impractical or contrary to the person's Convention rights to impose such a condition on the person, the Secretary of State—
  - (a) does not consider that it would be impractical to do so, and
  - (b) does not consider that it would be contrary to the person's Convention rights to do so.

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**Commencement Information**

**II** Sch. 10 para. 7 in force at 31.8.2021 for E.W. by S.I. 2021/939, **reg. 2(b)** (with Sch. paras. 1, 2)

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