

SCHEDULES

SCHEDULE 10

IMMIGRATION BAIL

PART 1

MAIN PROVISIONS

Amendment etc of electronic monitoring condition: bail managed by First-tier Tribunal

- 8 (1) This paragraph applies to a person who—
- (a) is on immigration bail pursuant to a grant by the First-tier Tribunal in a case where the Tribunal has not directed that the power in paragraph 6(1) is exercisable by the Secretary of State, and
 - (b) before the person was granted 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 First-tier Tribunal—
- (a) must not exercise the power in paragraph 6(1) so as to remove the condition unless sub-paragraph (3) applies, but
 - (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 notifies the First-tier Tribunal that 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(7) or this paragraph, the person is not subject to an electronic monitoring condition, the First-tier Tribunal—
- (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 the Secretary of State notifies the First-tier Tribunal that the Secretary of State—
- (a) does not consider that it would be impractical to impose such a condition on the person, and
 - (b) does not consider that it would be contrary to the person's Convention rights to impose such a condition on the person.