
Changes to legislation: Immigration Act 2016, Cross Heading: Removal etc of electronic monitoring condition: bail managed by Secretary of State 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) View outstanding changes

SCHEDULES

SCHEDULE 10

IMMIGRATION BAIL

Modifications etc. (not altering text)

- 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 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))
- C3** 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.

Modifications etc. (not altering text)

- C1** Sch. 10 para. 7 modified (E.W.) (31.1.2022) by [The Immigration Act 2016 \(Commencement and Transitional Provisions No. 1\) \(England and Wales\) Regulations 2021 \(S.I. 2021/939\)](#), **Sch. para. 4**
- C2** Sch. 10 para. 7 modified (S.N.I.) (31.8.2022) by [The Immigration Act 2016 \(Commencement No. 1 and Transitional Provisions\) \(Scotland and Northern Ireland\) Regulations 2022 \(S.I. 2022/863\)](#), **Sch. para. 4**

Commencement Information

- I1** 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](#))
- I2** Sch. 10 para. 7 in force at 31.8.2022 for S.N.I. by [S.I. 2022/863](#), **regs. 1(2), 2(b)**

Changes to legislation:

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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\(4\)](#)