

*Changes to legislation: Immigration Act 2016, Cross Heading: Transitional provision 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).

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**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)

**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\(4\)](#)