

**Changes to legislation:** Immigration Act 2016, Cross Heading: Special Immigration Appeals Commission Act 1997 (c. 68) is up to date with all changes known to be in force on or before 16 August 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 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**))
- 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 2

### AMENDMENTS TO OTHER ACTS

#### *Special Immigration Appeals Commission Act 1997 (c. 68)*

- 22 The Special Immigration Appeals Commission Act 1997 is amended as follows.

##### Commencement Information

- II** Sch. 10 para. 22 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)

- 23 In section 3(1) (jurisdiction: bail) for “Schedule 2 to the Immigration Act 1971” substitute “ Schedule 10 to the Immigration Act 2016 ”.

##### Commencement Information

- I2** Sch. 10 para. 23 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)

- 24 (1) Section 5 (procedure in relation to jurisdiction under sections 2 and 3) is amended as follows.
- (2) In subsection (4)(a) for “Part II of Schedule 2 to the Immigration Act 1971” substitute “ Schedule 10 to the Immigration Act 2016 ”.

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- (3) In subsection (5) for “paragraphs 22 to 24 of Schedule 2 to the Immigration Act 1971” substitute “ Schedule 10 to the Immigration Act 2016 ”.
- (4) In subsection (5A)—
- (a) for “bail under paragraph 22 or 29 of Schedule 2 to the Immigration Act 1971” substitute “ immigration bail under Schedule 10 to the Immigration Act 2016 ”, and
  - (b) for “bail” in the second place it appears substitute “ immigration bail ”.

#### Commencement Information

**I3** Sch. 10 para. 24 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)

25 For Schedule 3 substitute—

### “SCHEDULE 3

Section 3

#### BAIL: MODIFICATIONS OF SCHEDULE 10 TO THE IMMIGRATION ACT 2016

- 1 Paragraph 1(3) (power to grant bail) has effect as if—
  - (a) for “The First-tier Tribunal” there were substituted “ The Special Immigration Appeals Commission ”, and
  - (b) for “the Tribunal” there were substituted “ the Commission ”.
- 2 Paragraph 2 (conditions of immigration bail) has effect as if—
  - (a) in sub-paragraphs (1)(a), (7) and (8) for “the First-tier Tribunal” there were substituted “ the Special Immigration Appeals Commission ”, and
  - (b) in sub-paragraph (7) for “the Tribunal” there were substituted “ the Commission ”.
- 3 Paragraph 3 (exercise of power to grant immigration bail) has effect as if—
  - (a) in sub-paragraphs (1), (2)(f), (3), (4), (5) and (6) for “the First-tier Tribunal” there were substituted “ the Special Immigration Appeals Commission ”, and
  - (b) in sub-paragraph (5) for “the Tribunal” there were substituted “ the Commission ”.
- 4 Paragraph 4(2)(d) (arrangements under electronic monitoring condition) has effect as if for “the First-tier Tribunal” there were substituted “ the Special Immigration Appeals Commission ”.
- 5 Paragraph 5(5) (payment of sum under financial condition) has effect as if for “the First-tier Tribunal” there were substituted “ the Special Immigration Appeals Commission ”.
- 6 Paragraph 6 (power to vary bail conditions) has effect as if—
  - (a) in sub-paragraphs (3), (4), (6) and (7) for “the First-tier Tribunal” there were substituted “ the Special Immigration Appeals Commission ”,
  - (b) in sub-paragraph (5) for “The First-tier Tribunal” there were substituted “ The Special Immigration Appeals Commission, ”, and

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- (c) in sub-paragraphs (3), (4) and (6) for “the Tribunal” there were substituted “ the Commission ”.
- 7 Paragraph 7(1)(a)(ii) (removal etc of electronic monitoring condition: bail managed by Secretary of State) has effect as if—
  - (a) for “the First-tier Tribunal” there were substituted “ the Special Immigration Appeals Commission ”, and
  - (b) for “the Tribunal” there were substituted “ the Commission ”.
- 8 Paragraph 8 (amendment etc of electronic monitoring condition: bail managed by First-tier Tribunal) has effect as if—
  - (a) in sub-paragraphs (1)(a), (2), (3), (4) and (5) for “the First-tier Tribunal” there were substituted “ the Special Immigration Appeals Commission ”, and
  - (b) in sub-paragraph (1)(a) for “the Tribunal” there were substituted “ the Commission ”.
- 9 Paragraph 10(10) (meaning of “relevant authority”) has effect as if for “the First-tier Tribunal” in both places there were substituted “ the Special Immigration Appeals Commission ”.

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**Commencement Information**

- I4** Sch. 10 para. 25 in force at 15.1.2018 for specified purposes by [S.I. 2017/1241](#), **reg. 2(c)** (with [Sch.](#)) (as amended by [S.I. 2018/31](#), reg. 2)
- I5** Sch. 10 para. 25 in force at 31.8.2021 for E.W. in so far as not already in force by [S.I. 2021/939](#), **reg. 2(b)** (with [Sch. paras. 1, 2](#))
- I6** [Sch. 10 para. 25](#) in force at 31.8.2022 for S.N.I. in so far as not already in force by [S.I. 2022/863](#), **regs. 1(2), 2(b)**

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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\(4\)](#)