
STATUTORY INSTRUMENTS

2003 No. 1034

**The Special Immigration Appeals
Commission (Procedure) Rules 2003**

PART 6

BAIL

Scope of this Part and interpretation

28. This Part applies to applications to the Commission under—

- (a) the Immigration Acts; or
- (b) section 24 of the 2001 Act,

by persons detained under those Acts, to be released on bail.

Application for bail

29.—(1) An application to be released on bail must be made by filing with the Commission an application in writing.

(2) The application must contain the following details—

- (a) the applicant's—
 - (i) full name;
 - (ii) date of birth; and
 - (iii) date of arrival in the United Kingdom;
- (b) the address of the place where the applicant is detained;
- (c) whether there are pending before the Commission any proceedings to which the applicant is a party;
- (d) the address where the applicant will reside if his application for bail is granted or, if he is unable to give such an address, the reason why an address is not given;
- (e) the amount of the recognizance in which he will agree to be bound;
- (f) the full names, addresses, occupations and dates of birth of any persons who have agreed to act as sureties for the applicant if bail is granted, and the amounts of the recognizances in which they will agree to be bound;
- (g) the grounds on which the application is made and, where a previous application has been refused, full details of any change in circumstances which has occurred since the refusal; and
- (h) whether the applicant requires an interpreter at the hearing and, if so, for what language and dialect.

(3) The application must be signed by the applicant or his representative or, in the case of an applicant who is a child or is for any other reason incapable of acting, by a person acting on his behalf.

Bail hearing and decision

- 30.**—(1) Where an application for bail is filed, the Commission must—
- (a) as soon as reasonably practicable, serve a copy of the application on the Secretary of State; and
 - (b) fix a hearing.
- (2) If the Secretary of State wishes to contest the application, he must file with the Commission a written statement of his reasons for doing so—
- (a) not later than 2.00 p.m. the day before the hearing; or
 - (b) where he received notice of the hearing less than 24 hours before that time, as soon as reasonably practicable.
- (3) If the Secretary of State objects to a statement filed under paragraph (2) being disclosed to the applicant or his representative, rules 37 and 38 shall apply.
- (4) The Commission must serve written notice of—
- (a) its decision upon an application for bail; and
 - (b) if and to the extent that it is possible to do so without disclosing information contrary to the public interest, the reasons for its decision,
- on the applicant, the Secretary of State, and the person having custody of the applicant.
- (5) Where bail is granted, the notice must include—
- (a) the conditions of bail; and
 - (b) the amounts in which the applicant and any sureties are to be bound.
- (6) The recognizance of the applicant or of a surety must be in writing and must state—
- (a) the amount in which he agrees to be bound; and
 - (b) that he has read and understood the bail decision and that he agrees to pay that amount of money if the applicant fails to comply with the conditions set out in the bail decision.
- (7) The recognizance must be—
- (a) signed by the applicant or surety; and
 - (b) filed with the Commission.
- (8) The person having custody of an applicant must release him upon—
- (a) being served with a copy of the decision to grant bail; and
 - (b) being satisfied that any recognizances required as a condition of that decision have been entered into.

Application of this Part to Scotland

- 31.**—(1) Rules 29 and 30 shall apply to Scotland with the following modifications—
- (a) in rule 29, in paragraph (2), for sub-paragraphs (e) and (f) substitute—
 - “(e) the amount, if any, to be deposited if bail is granted;
 - (f) the full names, addresses, occupations and dates of birth of any persons offering to act as cautioners if the application for bail is granted.”;
 - (b) in rule 30—
 - (i) in paragraph (5), for sub-paragraph (b) substitute—
 - “(b) the amount (if any) to be deposited by the applicant and any cautioners.”;

- (ii) paragraphs (6) and (7) do not apply; and
- (iii) in paragraph (8), for sub-paragraph (b) substitute—
 - “(b) being satisfied that the amount to be deposited, if any, has been deposited.”.