

2017 No. 617

IMMIGRATION

**The Immigration Act 2016 (Consequential Amendments)
(Biometrics and Legal Aid) Regulations 2017**

Made - - - -

25th April 2017

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 92(2) and (3) of the Immigration Act 2016(a).

In accordance with section 93(2)(k) of that Act, a draft of these Regulations was laid before, and approved by a resolution of, each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Immigration Act 2016 (Consequential Amendments) (Biometrics and Legal Aid) Regulations 2017 and come into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016.

Amendment to the Immigration and Asylum Act 1999

2. In section 141 of the Immigration and Asylum Act 1999(b) (fingerprinting), in subsection (7), in paragraph (b), for the words from “if” to the end of the paragraph substitute “subject to a condition mentioned in paragraph 2(1)(c) or (d) of that Schedule if an immigration officer reasonably suspects that B might break the condition”.

Amendments to the Legal Aid, Sentencing and Punishment of Offenders Act 2012

3.—(1) Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012(c) is amended as follows.

(2) In paragraph 26 of Part 1 (immigration: temporary admission)—

(a) in the heading of that paragraph, for “temporary admission” substitute “conditions of immigration bail: persons liable to examination or removal”;

(b) for sub-paragraph (1) substitute—

“(1) Civil legal services provided in relation to conditions of immigration bail where the services are provided to a person who is liable to detention under—

(a) 2016 c. 19.

(b) 1999 c. 33; section 141 was amended by section 57 of, and by paragraph 30 of Schedule 10 to, the Immigration Act 2016 (c. 19).

(c) 2012 c. 10.

- (a) paragraph 16(1), (1A) or (2) of Schedule 2 to the Immigration Act 1971 (detention of persons liable to examination or removal);
 - (b) section 62 of the Nationality, Immigration and Asylum Act 2002 (detention by Secretary of State of persons liable to examination or removal).”.
- (3) In paragraph 27 of Part 1 (immigration: residence etc. restrictions)—
- (a) in the heading of that paragraph, for “residence etc restrictions” substitute “conditions of immigration bail (deportation)”;
 - (b) for sub-paragraph (1) substitute—
 - “(1) Civil legal services provided in relation to conditions of immigration bail where the services are provided to a person who is liable to detention under—
 - (a) paragraph 2(1), (2) or (3) of Schedule 3 to the Immigration Act 1971 (detention or control pending deportation);
 - (b) section 36(1) of the UK Borders Act 2007 (detention pending deportation of criminals).”.
- (4) After paragraph 27 of Part 1 (immigration: residence etc. restrictions), insert—

“27A Immigration: conditions imposed under other provisions

- (1) Civil legal services provided in relation to—
 - (a) conditions imposed on a person released on bail under paragraph 2(1A) of Schedule 3 to the Immigration Act 1971 (detention or control pending deportation);
 - (b) conditions imposed on a person under section 71(2) of the Nationality, Immigration and Asylum Act 2002 (asylum-seeker: residence, &c. restriction).

Exclusions

- (2) Sub-paragraph (1) is subject to the exclusions in Parts 2 and 3 of this Schedule.”.
- (5) In paragraph 8 of Part 3 (advocacy in the magistrates’ court), omit paragraph (b).
- (6) In paragraph 11 of Part 3 (advocacy before the First-tier Tribunal)—
- (a) omit paragraph (a) and the “or” following it;
 - (b) at the end of paragraph (b), insert—
 - “, or
 - (c) Schedule 10 to the Immigration Act 2016.”.

Robert Goodwill
Minister of State
Home Office

25th April 2017

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Immigration and Asylum Act 1999 and to the Legal Aid, Sentencing and Punishment of Offenders Act 2012. These amendments are consequential on the commencement of Schedule 10 to the Immigration Act 2016.

Schedule 10 introduces a new framework for immigration bail, replacing a legal framework containing six different legal statuses (including immigration bail and temporary admission) with a single power of immigration bail.

Regulation 2 updates section 141(7)(b) of the 1999 Act (fingerprinting) so that it reflects the reporting conditions that may be imposed under the new immigration bail powers.

Regulation 3 amends various provisions of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 so that references to temporary admission and temporary release – both being forms of legal status that are abolished by Schedule 10 – are replaced with

references to immigration bail and to the powers under which immigration bail may be granted. It also omits and, where appropriate, replaces provisions that refer to legislation that Schedule 10 will repeal.

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