

## SCHEDULES

### SCHEDULE 2

Section 4.

#### ADMINISTRATIVE PROVISIONS AS TO CONTROL ON ENTRY ETC.

#### PART I

##### GENERAL PROVISIONS

##### *Immigration officers and medical inspectors*

- 1 (1) Immigration officers for the purposes of this Act shall be appointed by the Secretary of State, and he may arrange with the Commissioners of Customs and Excise for the employment of officers of customs and excise as immigration officers under this Act.
- (2) Medical inspectors for the purposes of this Act may be appointed by the Secretary of State or, in Northern Ireland, by the Minister of Health and Social Services or other appropriate Minister of the Government of Northern Ireland in pursuance of arrangements made between that Minister and the Secretary of State, and shall be fully qualified medical practitioners.
- (3) In the exercise of their functions under this Act immigration officers shall act in accordance with such instructions (not inconsistent with the immigration rules) as may be given them by the Secretary of State, and medical inspectors shall act in accordance with such instructions as may be given them by the Secretary of State or, in Northern Ireland, as may be given in pursuance of the arrangements mentioned in sub-paragraph (2) above by the Minister making appointments of medical inspectors in Northern Ireland.
- (4) An immigration officer or medical inspector may board any ship or aircraft for the purpose of exercising his functions under this Act.
- (5) An immigration officer, for the purpose of satisfying himself whether there are persons he may wish to examine under paragraph 2 below, may search any ship or aircraft and anything on board it, or any vehicle taken off a ship or aircraft on which it has been brought to the United Kingdom.

##### *Examination by immigration officers, and medical examination*

- 2 (1) An immigration officer may examine any persons who have arrived in the United Kingdom by ship or aircraft (including transit passengers, members of the crew and others not seeking to enter the United Kingdom) for the purpose of determining—
  - (a) whether any of them is or is not patrial; and
  - (b) whether, if he is not, he may or may not enter the United Kingdom without leave ; and
  - (c) whether, if he may not, he should be given leave and for what period and on what conditions (if any), or should be refused leave.

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- (2) Any such person, if he is seeking to enter the United Kingdom, may be examined also by a medical inspector or by any qualified person carrying out a test or examination required by a medical inspector.
- (3) A person, on being examined under this paragraph by an immigration officer or medical inspector, may be required in writing by him to submit to further examination; but a requirement under this sub-paragraph shall not prevent a person who arrives as a transit passenger, or as a member of the crew of a ship or aircraft, or for the purpose of joining a ship or aircraft as a member of the crew, from leaving by his intended ship or aircraft.
- 3 (1) An immigration officer may examine any person who is embarking or seeking to embark in the United Kingdom for the purpose of determining whether he is patrial and, if he is not, for the purpose of establishing his identity.
- (2) So long as any Order in Council is in force under section 3(7) of this Act, an immigration officer may examine any person who is embarking or seeking to embark in the United Kingdom for the purpose of determining—
- (a) whether any of the provisions of the Order apply to him ; and
  - (b) whether, if so, any power conferred by the Order should be exercised in relation to him and in what way.

#### *Information and documents*

- 4 (1) It shall be the duty of any person examined under paragraph 2 or 3 above to furnish to the person carrying out the examination all such information in his possession as that person may require for the purpose of his functions under that paragraph.
- (2) A person on his examination under paragraph 2 or 3 above by an immigration officer shall, if so required by the immigration officer—
- (a) produce either a valid passport with photograph or some other document satisfactorily establishing his identity and nationality or citizenship ; and
  - (b) declare whether or not he is carrying or conveying documents of any relevant description specified by the immigration officer, and produce any documents of that description which he is carrying or conveying.

In paragraph (b), " relevant description" means any description appearing to the immigration officer to be relevant for the purposes of the examination.

- (3) Where under sub-paragraph (2)(b) above a person has been required to declare whether or not he is carrying or conveying documents of any description, he and any baggage belonging to him or under his control may be searched with a view to ascertaining whether he is doing so by the immigration officer or a person acting under the directions of the officer :

Provided that no woman or girl shall be searched except by a woman.

- (4) An immigration officer may examine any documents produced pursuant to sub-paragraph (2)(b) above or found on a search under sub-paragraph (3), and may for that purpose detain them for any period not exceeding seven days ; and if on examination of any document so produced or found the immigration officer is of the opinion that it may be needed in connection with proceedings on an appeal under this Act or for an offence, he may detain it until he is satisfied that it will not be so needed.

- 5           The Secretary of State may by order made by statutory instrument make provision for requiring passengers disembarking or embarking in the United Kingdom, or any class of such passengers, to produce to an immigration officer, if so required, landing or embarkation cards in such form as the Secretary of State may direct, and for requiring the owners or agents of ships and aircraft to supply such cards to those passengers.

*Notice of leave to enter or of refusal of leave*

- 6           (1) Subject to sub-paragraph (3) below, where a person examined by an immigration officer under paragraph 2 above is to be given a limited leave to enter the United Kingdom or is to be refused leave, the notice giving or refusing leave shall be given not later than twelve hours after the conclusion of his examination (including any further examination) in pursuance of that paragraph; and if notice giving or refusing leave is not given him before the end of those twelve hours, he shall (if not patrial) be deemed to have been given indefinite leave to enter the United Kingdom and the immigration officer shall as soon as may be give him written notice of that leave.
- (2) Where on a person's examination under paragraph 2 above he is given notice of leave to enter the United Kingdom, then at any time before the end of twelve hours from the conclusion of the examination he may be given a further notice in writing by an immigration officer cancelling the earlier notice and refusing him leave to enter.
- (3) Where in accordance with this paragraph a person is given notice refusing him leave to enter the United Kingdom, that notice may at any time be cancelled by notice in writing given him by an immigration officer; and where a person is given a notice of cancellation under this sub-paragraph, the immigration officer may at the same time give him a limited leave to enter, but in the absence of a notice giving a limited leave the notice of cancellation shall be deemed to be a notice giving him indefinite leave to enter.
- (4) Where an entrant is a member of a party in charge of a person appearing to the immigration officer to be a responsible person, any notice to be given in relation to that entrant in accordance with this paragraph shall be duly given if delivered to the person in charge of the party.

*Power to require medical examination after entry*

- 7           If, on a person's examination by an immigration officer under paragraph 2 above, the immigration officer—
- (a) determines that he may be given leave to enter the United Kingdom; but
  - (b) is of opinion, on the advice of a medical inspector or, where no medical inspector is available, on that of any other fully qualified medical practitioner, that a further medical test or examination may be required in the interests of public health;
- then the immigration officer, on giving that person leave to enter the United Kingdom, may by notice in writing require him to report his arrival to such medical officer of health as may be specified in the notice and thereafter to attend at such place and time, and submit to such test or examination (if any), as that medical officer of health may require.

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*Removal of persons refused leave to enter and illegal entrants*

- 8 (1) Where a person arriving in the United Kingdom is refused leave to enter, an immigration officer may, subject to sub-paragraph (2) below—
- (a) give the captain of the ship or aircraft in which he arrives directions requiring the captain to remove him from the United Kingdom in that ship or aircraft; or
  - (b) give the owners or agents of that ship or aircraft directions requiring them to remove him from the United Kingdom in any ship or aircraft specified or indicated in the directions, being a ship or aircraft of which they are the owners or agents ; or
  - (c) give those owners or agents directions requiring them to make arrangements for his removal from the United Kingdom in any ship or aircraft specified or indicated in the directions to a country or territory so specified, being either—
    - (i) a country of which he is a national or citizen ; or
    - (ii) a country or territory in which he has obtained a passport or other document of identity ; or
    - (iii) a country or territory in which he embarked for the United Kingdom ; or
    - (iv) a country or territory to which there is reason to believe that he will be admitted.
- (2) No directions shall be given under this paragraph in respect of anyone after the expiration of two months beginning with the date on which he was refused leave to enter the United Kingdom.
- 9 Where an illegal entrant is not given leave to enter or remain in the United Kingdom, an immigration officer may give any such directions in respect of him as in a case within paragraph 8 above are authorised by paragraph 8(1).
- 10 (1) Where it appears to the Secretary of State either—
- (a) that directions might be given in respect of a person under paragraph 8 or 9 above, but that it is not practicable for them to be given or that, if given, they would be ineffective ; or
  - (b) that directions might have been given in respect of a person under paragraph 8 above but that the time limited by paragraph 8(2) has passed ;
- then the Secretary of State may give to the owners or agents of any ship or aircraft any such directions in respect of that person as are authorised by paragraph 8(1)(c).
- (2) Where the Secretary of State may give directions for a person's removal in accordance with sub-paragraph (1) above, he may instead give directions for his removal in accordance with arrangements to be made by the Secretary of State to any country or territory to which he could be removed under sub-paragraph (1).
- (3) The costs of complying with any directions given under this paragraph shall be defrayed by the Secretary of State.
- 11 A person in respect of whom directions are given under any of paragraphs 8 to 10 above may be placed, under the authority of an immigration officer, on board any ship or aircraft in which he is to be removed in accordance with the directions.

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*Seamen and aircrews*

- 12 (1) If, on a person's examination by an immigration officer under paragraph 2 above, the immigration officer is satisfied that he has come to the United Kingdom for the purpose of joining a ship or aircraft as a member of the crew, then the immigration officer may limit the duration of any leave he gives that person to enter the United Kingdom by requiring him to leave the United Kingdom in a ship or aircraft specified or indicated by the notice giving leave.
- (2) Where a person (not being patrial) arrives in the United Kingdom for the purpose of joining a ship or aircraft as a member of the crew and, having been given leave to enter as mentioned in sub-paragraph (1) above, remains beyond the time limited by that leave, or is reasonably suspected by an immigration officer of intending to do so, an immigration officer may—
- (a) give the captain of that ship or aircraft directions requiring the captain to remove him from the United Kingdom in that ship or aircraft; or
  - (b) give the owners or agents of that ship or aircraft directions requiring them to remove him from the United Kingdom in any ship or aircraft specified or indicated in the directions, being a ship or aircraft of which they are 'the owners or agents ; or
  - (c) give those owners or agents directions requiring them to make arrangements for his removal from the United Kingdom in any ship or aircraft specified or indicated in the directions to a country or territory so specified, being either—
    - (i) a country of which he is a national or citizen ; or
    - (ii) a country or territory in which he has obtained a passport or other document of identity ; or
    - (iii) a country or territory in which he embarked for the United Kingdom ; or
    - (iv) a country or territory where he was engaged as a member of the crew of the ship or aircraft which he arrived in the United Kingdom to join ; or
    - (v) a country or territory to which there is reason to believe that he will be admitted.
- 13 (1) Where a person being a member of the crew of a ship or aircraft is examined by an immigration officer under paragraph 2 above, the immigration officer may limit the duration of any leave he gives that person to enter the United Kingdom—
- (a) in the manner authorised by paragraph 12 (1) above ; or
  - (b) if that person is to be allowed to enter the United Kingdom in order to receive hospital treatment, by requiring him, on completion of that treatment, to leave the United Kingdom in accordance with arrangements to be made for his repatriation ; or
  - (c) by requiring him to leave the United Kingdom within a specified period in accordance with arrangements to be made for his repatriation.
- (2) Where a person (not being patrial) arrives in the United Kingdom as a member of the crew of a ship or aircraft, and either—
- (A) having lawfully entered the United Kingdom without leave by virtue of section 8(1) of this Act, he remains without leave beyond the time allowed by section 8(1), or is reasonably suspected by an Emigration officer of intending to do so; or

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- (B) having been given leave limited as mentioned in sub-paragraph (1) above, he remains beyond the time limited by that leave, or is reasonably suspected by an immigration officer of intending to do so ;
- an immigration officer may—
- (a) give the captain of the ship or aircraft in which he arrived directions requiring the captain to remove him from the United Kingdom in that ship or aircraft; or
  - (b) give the owners or agents of that ship or aircraft directions requiring them to remove him from the United Kingdom in any ship or aircraft specified or indicated in the directions, being a ship or aircraft of which they are the owners or agents ; or
  - (c) give those owners or agents directions requiring them to make arrangements for his removal from the United Kingdom in any ship or aircraft specified or indicated in the directions to a country or territory so specified, being either—
    - (i) a country of which he is a national or citizen ; or
    - (ii) a country or territory in which he has obtained a passport or other document of identity ; or
    - (iii) a country in which he embarked for the United Kingdom ; or
    - (iv) a country or territory in which he was engaged as a member of the crew of the ship or aircraft in which he arrived in the United Kingdom ; or
    - (v) a country or territory to which there is reason to believe that he will be admitted.
- 14 (1) Where it appears to the Secretary of State that directions might be given in respect of a person under paragraph 12 or 13 above, but that it is not practicable for them to be given or that, if given, they would be ineffective, then the Secretary of State may give to the owners or agents of any ship or aircraft any such directions in respect of that person as are authorised by paragraph 12(2)(c) or 13(2)(c).
- (2) Where the Secretary of State may give directions for a person's removal in accordance with sub-paragraph (1) above, he may instead give directions for his removal in accordance with arrangements to be made by the Secretary of State to any country or territory to which he could be removed under sub-paragraph (1).
- (3) The costs of complying with any directions given under this paragraph shall be defrayed by the Secretary of State.
- 15 A person in respect of whom directions are given under any of paragraphs 12 to 14 above may be placed, under the authority of an immigration officer, on board any ship or aircraft in which he is to be removed in accordance with the directions.

*Detention of persons liable to examination or removal*

- 16 (1) A person who may be required to submit to examination under paragraph 2 above may be detained under the authority of an immigration officer pending his examination and pending a decision to give or refuse him leave to enter.
- (2) A person in respect of whom directions may be given under any of paragraphs 8 to 14 above may be detained under the authority of an immigration officer pending the giving of directions and pending his removal in pursuance of any directions given.

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- (3) A person on board a ship or aircraft may, under the authority of an immigration officer, be removed from the ship or aircraft for detention under this paragraph ; but if an immigration officer so requires the captain of a ship or aircraft shall prevent from disembarking in the United Kingdom any person who has arrived in the United Kingdom in the ship or aircraft and been refused leave to enter, and the captain may for that purpose detain him in custody on board the ship or aircraft.
- (4) The captain of a ship or aircraft, if so required by an immigration officer, shall prevent from disembarking in the United Kingdom or before the directions for his removal have been fulfilled any person placed on board the ship or aircraft under paragraph 11 or 15 above, and the captain may for that purpose detain him in custody on board the ship or aircraft.
- 17 (1) A person liable to be detained under paragraph 16 above may be arrested without warrant by a constable or by an immigration officer.
- (2) If—
- (a) a justice of the peace is by written information on oath satisfied that there is reasonable ground for suspecting that a person liable to be arrested under this paragraph is to be found on any premises ; or
- (b) in Scotland, a sheriff, or a magistrate or justice of the peace, having jurisdiction in the place where the premises are situated is by evidence on oath so satisfied ;
- he may grant a warrant authorising any constable acting for the police area in which the premises are situated, or in Northern Ireland any constable, at any time or times within one month from the date of the warrant to enter, if need be by force, the premises named in the warrant for the purpose of searching for and arresting that person.
- 18 (1) Persons may be detained under paragraph 16 above in such places as the Secretary of State may direct (when not detained in accordance with paragraph 16 on board a ship or aircraft).
- (2) Where a person is detained under paragraph 16, any immigration officer, constable or prison officer, or any other person authorised by the Secretary of State, may take all such steps as may be reasonably necessary for photographing, measuring or otherwise identifying him.
- (3) Any person detained under paragraph 16 may be taken in the custody of a constable, or of any person acting under the authority of an immigration officer, to and from any place where his attendance is required for the purpose of ascertaining his citizenship or nationality or of making arrangements for his admission to a country or territory other than the United Kingdom, or where he is required to be for any other purpose connected with the operation of this Act.
- (4) A person shall be deemed to be in legal custody at any time when he is detained under paragraph 16 or is being removed in pursuance of sub-paragraph (3) above.
- 19 (1) Where a person is refused leave to enter the United Kingdom and directions are given in respect of him under paragraph 8 or 10 above, then subject to the provisions of this paragraph the owners or agents of the ship or aircraft in which he arrived shall be liable to pay the Secretary of State on demand any expenses incurred by the latter in respect of the custody, accommodation or maintenance of that person at any time alter his arrival while he was detained or liable to be detained under paragraph 16 above.

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- (2) Sub-paragraph (1) above shall not apply to expenses in respect of a person who, when he arrived in the United Kingdom, held a certificate of patriality or a current entry clearance or was the person named in a current work permit; and for this purpose a document purporting to be a certificate of patriality, entry clearance or work permit is to be regarded as being one unless its falsity is reasonably apparent.
- (3) If, before the directions for a person's removal under paragraph 8 or 10 above have been carried out, he is given leave to enter the United Kingdom, or if he is afterwards given that leave in consequence of the determination in his favour of an appeal under this Act (being an appeal against a refusal of leave to enter by virtue of which the directions were given), or it is determined on an appeal under this Act that he does not require leave to enter (being an appeal occasioned by such a refusal), no sum shall be demanded under sub-paragraph (1) above for expenses incurred in respect of that person and any sum already demanded and paid shall be refunded.
- (4) Sub-paragraph (1) above shall not have effect in relation to directions which, in consequence of an appeal under this Act, have ceased to have effect or are for the time being of no effect; and the expenses to which that sub-paragraph applies include expenses in conveying the person in question to and from the place where he is detained or accommodated unless the journey is made for the purpose of attending an appeal by him under this Act.
- 20 (1) Subject to the provisions of this paragraph, in either of the following cases, that is to say,—
- (a) where directions are given in respect of an illegal entrant under paragraph 9 or 10 above; and
  - (b) where a person has lawfully entered the United Kingdom without leave by virtue of section 8(1) of this Act, but directions are given in respect of him under paragraph 13(2)(A) above or, in a case within paragraph 13(2)(A), under paragraph 14 ;
- the owners or agents of the ship or aircraft in which he arrived in the United Kingdom shall be liable to pay the Secretary of State on demand any expenses incurred by the latter in respect of the custody, accommodation or maintenance of that person at any time after his arrival while he was detained or liable to be detained under paragraph 16 above.
- (2) If, before the directions for a person's removal from the United Kingdom have been carried out, he is given leave to remain in the United Kingdom, no sum shall be demanded under sub-paragraph (1) above for expenses incurred in respect of that person and any sum already demanded and paid shall be refunded.
- (3) Sub-paragraph (1) above shall not have effect in relation to directions which, in consequence of an appeal under this Act, are for the time being of no effect; and the expenses to which that sub-paragraph applies include expenses in conveying the person in question to and from the place where he is detained or accommodated unless the journey is made for the purpose of attending an appeal by him under this Act.

*Temporary admission or release of persons liable to detention*

- 21 (1) A person liable to detention or detained under paragraph 16 above may, under the written authority of an immigration officer, be temporarily admitted to the United



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Kingdom without being detained or be released from detention; but this shall not prejudice a later exercise of the power to detain him.

- (2) So long as a person is at large in the United Kingdom by virtue of this paragraph, he shall be subject to such restrictions as to residence and as to reporting to the police or an immigration officer as may from time to time be notified to him in writing by an immigration officer.
- 22 (1) A person detained under paragraph 16(1) above pending examination may, if seven days have elapsed since the date of his arrival in the United Kingdom, be released on bail by an adjudicator on his entering into a recognizance or, in Scotland, bail bond conditioned for his appearance before an immigration officer at a time and place named in the recognizance or bail bond or at such other time or place as may in the meantime be notified to him in writing by an immigration officer.
- (2) The conditions of a recognizance or bail bond taken under this paragraph may include conditions appearing to the adjudicator to be likely to result in the appearance of the person bailed at the required time and place; and any recognizance shall be with or without sureties as the adjudicator may determine.
- (3) In any case in which an adjudicator has power under this paragraph to release a person on bail, the adjudicator may, instead of taking the bail, fix the amount and conditions of the bail (including the amount in which any sureties are to be bound) with a view to its being taken subsequently by any such person as may be specified by the adjudicator; and on the recognizance or bail bond being so taken the person to be bailed shall be released.
- 23 (1) Where a recognizance entered into under paragraph 22 above appears to an adjudicator to be forfeited, the adjudicator may by order declare it to be forfeited and adjudge the persons bound thereby, whether as principal or sureties, or any of them, to pay the sum in which they are respectively bound or such part of it, if any, as the adjudicator thinks fit; and an order under this sub-paragraph shall specify a magistrates' court or, in Northern Ireland, court of summary jurisdiction, and—
- (a) the recognizance shall be treated for the purposes of collection, enforcement and remission of the sum forfeited as having been forfeited by the court so specified ; and
- (b) the adjudicator shall, as soon as practicable, give particulars of the recognizance to the clerk of that court.
- (2) Where a person released on bail under paragraph 22 above as it applies in Scotland fails to comply with the terms of his bail bond, an adjudicator may declare the bail to be forfeited, and any bail so forfeited shall be transmitted by the adjudicator to the sheriff court having jurisdiction in the area where the proceedings took place, and shall be treated as having been forfeited by that court.
- (3) Any sum the payment of which is enforceable by a magistrates' court in England or Wales by virtue of this paragraph shall be treated for the purposes of the Justices of the Peace Act 1949 and, in particular, section 27 thereof as "being due under a recognizance forfeited by such a court and as being Exchequer moneys.
- (4) Any sum the payment of which is enforceable by virtue of this paragraph by a court of summary jurisdiction in Northern Ireland shall, for the purposes of section 20(5) of the Administration of Justice Act (Northern Ireland) 1954, be treated as a forfeited recognizance.

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- 24 (1) An immigration officer or constable may arrest without warrant a person who has been released by virtue of paragraph 22 above—
- (a) if he has reasonable grounds for believing that that person is likely to break the condition of his recognizance or bail bond that he will appear at the time and place required or to break any other condition of it, or has reasonable ground to suspect that that person is breaking or has broken any such other condition ; or
  - (b) if, a recognizance with sureties having been taken, he is notified in writing by any surety of the surety's belief that that person is likely to break the first-mentioned condition, and of the surety's wish for that reason to be relieved of his obligations as a surety ;
- and paragraph 17(2) above shall apply for the arrest of a person under this paragraph as it applies for the arrest of a person under paragraph 17.
- (2) A person arrested under this paragraph—
- (a) if not required by a condition on which he was released to appear before an immigration officer within twenty-four hours after the time of his arrest, shall as soon as practicable be brought before an adjudicator or, if that is not practicable within those twenty-four hours, before a justice of the peace acting for the petty sessions area in which he is arrested or, in Scotland, the sheriff; and
  - (b) if required by such a condition to appear within those twenty-four hours before an immigration officer, shall be brought before that officer.
- (3) An adjudicator, justice of the peace or sheriff before whom a person is brought by virtue of sub-paragraph (2)(a) above—
- (a) if of the opinion that that person has broken or is likely to break any condition on which he was released, may either—
    - (i) direct that he be detained under the authority of the person by whom he was arrested; or
    - (ii) release him, on his original recognizance or on a new recognizance, with or without sureties, or, in Scotland, on his original bail or on new bail; and
  - (b) if not of that opinion, shall release him on his original recognizance or bail.
- 25 The power to make rules of procedure conferred by section 22 of this Act shall include power to make rules with respect to applications to an adjudicator under paragraphs 22 to 24 above and matters arising out of such applications.

*Supplementary duties of those connected with ships or aircraft or with ports*

- 26 (1) The owners or agents of a ship or aircraft employed to carry passengers for reward shall not, without the approval of the Secretary of State, arrange for the ship or aircraft to call at a port in the United Kingdom other than a port of entry for the purpose of disembarking passengers, if any of the passengers on board may not enter the United Kingdom without leave and have not been given leave, or for the purpose of embarking passengers unless the owners or agents have reasonable cause to believe all of them to be patrial.
- (2) The Secretary of State may from time to time give written notice to the owners or agents of any ships or aircraft designating control areas for the embarkation or disembarkation of passengers in any port in the United Kingdom, and specifying the conditions and restrictions (if any) to be observed in any control area ; and where by

notice given to any owners or agents a control area is for the time being designated for the embarkation or disembarkation of passengers at any port, the owners or agents shall take all reasonable steps to secure that, in the case of their ships or aircraft, passengers do not embark or disembark, as the case may be, at the port outside the control area and that any conditions or restrictions notified to them are observed.

- (3) The Secretary of State may also from time to time give to any persons concerned with the management of a port in the United Kingdom written notice designating control areas in the port and specifying conditions or restrictions to be observed in any control area; and any such person shall take all reasonable steps to secure that any conditions or restrictions as notified to him are observed.
- 27 (1) The captain of a ship or aircraft arriving in the United Kingdom—
- (a) shall take such steps as may be necessary to secure that persons on board do not disembark there unless either they have been examined by an immigration officer, or they disembark in accordance with arrangements approved by an immigration officer, or they are members of the crew who may lawfully enter the United Kingdom without leave by virtue of section 8(1) of this Act; and
  - (b) where the examination of persons on board is to be carried out on the ship or aircraft, shall take such steps as may be necessary to secure that those to be examined are presented for the purpose in an orderly manner.
- (2) The Secretary of State may by order made by statutory instrument make provision for requiring captains of ships or aircraft arriving in the United Kingdom, or of such of them as arrive from or by way of countries or places specified in the order, to furnish to immigration officers—
- (a) a passenger list showing the names and nationality or citizenship of passengers arriving on board the ship or aircraft;
  - (b) particulars of members of the crew of the ship or aircraft;
- and for enabling an immigration officer to dispense with the furnishing of any such list or particulars.

## PART II

### EFFECT OF APPEALS

#### *Stay on directions for removal*

- 28 (1) Where a person in the United Kingdom appeals under section 13(1) of this Act on being refused leave to enter, any directions previously given by virtue of the refusal for his removal from the United Kingdom shall cease to have effect, except in so far as they have already been carried out, and no directions shall be so given so long as the appeal is pending.
- (2) Where a person in the United Kingdom appeals under section 16 or 17 of this Act against any directions given under Part I of this Schedule for his removal from the United Kingdom, those directions, except in so far as they have already been carried out, shall be of no effect so long as the appeal is pending.
- (3) Notwithstanding sub-paragraph (1) or (2) above, the provisions of Part I of this Schedule with respect to detention and persons liable to detention shall apply to a person appealing under section 13(1), 16 or 17 of this Act as if there were in force

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directions for his removal from the United Kingdom, except that he shall not be detained on board a ship or aircraft so as to compel him to leave the United Kingdom while the appeal is pending.

- (4) In calculating the period of two months limited by paragraph 8(2) above for the giving of directions under that paragraph for the removal of a person from the United Kingdom, there shall be disregarded any period during which there is pending an appeal by him under section 13(1) or 17 of this Act.
- (5) For purposes of sub-paragraphs (1) to (3) above (but not for purposes of sub-paragraph (4)), where an appeal to an adjudicator is dismissed, an appeal shall not be regarded as pending unless forthwith after the dismissal—
  - (a) the appellant duly gives notice of appeal against the determination of the adjudicator ; or
  - (b) in a case in which leave to appeal against that determination is required and the adjudicator has power to grant leave, the appellant duly applies for and obtains the leave of the adjudicator.
- (6) Where directions are given under Part I of this Schedule for anyone's removal from the United Kingdom, and directions are also so given for the removal with him of persons belonging to his family, then if any of them appeals under section 13(1), 16 or 17 of this Act, the appeal shall have the like effect under this paragraph in relation to the directions given in respect of each of the others as it has in relation to the directions given in respect of the appellant.

*Grant of bail pending appeal*

- 29 (1) Where a person (in the following provisions of this Schedule referred to as " an appellant") has an appeal pending under section 13(1), 16 or 17 of this Act and is for the time being detained under Part I of this Schedule, he may be released on bail in accordance with this paragraph.
- (2) An immigration officer not below the rank of chief immigration officer or a police officer not below the rank of inspector may release an appellant on his entering into a recognizance or, in Scot-, land, bail bond conditioned for his appearance before an adjudicator or the Appeal Tribunal at a time and place named in the recognizance or bail bond.
- (3) An adjudicator may release an appellant on his entering into a recognizance or, in Scotland, bail bond conditioned for his appearance before that or any other adjudicator or the Appeal Tribunal at a time and place named in the recognizance or bail bond; and where an adjudicator dismisses an appeal but grants leave to the appellant to appeal to the Tribunal, or, in a case in which leave to appeal is not required, the appellant has duly given notice of appeal to the Tribunal, the adjudicator shall, if the appellant so requests, exercise his powers under this sub-paragraph.
- (4) Where an appellant has duly applied for leave to appeal to the Appeal Tribunal, the Tribunal may release him on his entering into a recognizance or, in Scotland, bail bond conditioned for his appearance before the Tribunal at a time and place named in the recognizance or bail bond ; and where—
  - (a) the Tribunal grants leave to an appellant to appeal to the Tribunal; or
  - (b) in a case in which leave to appeal is not required, the appellant has duly given notice of appeal to the Tribunal;
 the Tribunal shall, if the appellant so requests, release him as aforesaid.

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*Status: This is the original version (as it was originally enacted).*

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- (5) The conditions of a recognizance or bail bond taken under this paragraph may include conditions appearing to the person fixing the bail to be likely to result in the appearance of the appellant at the time and place named ; and any recognizance shall be with or without sureties as that person may determine.
- (6) In any case in which an adjudicator or the Tribunal has power or is required by this paragraph to release an appellant on bail, the adjudicator or Tribunal may, instead of taking the bail, fix the amount and conditions of the bail (including the amount in which any sureties are to be bound) with a view to its being taken subsequently by any such person as may be specified by the adjudicator or the Tribunal; and on the recognizance or bail bond being so taken the appellant shall be released.

#### *Restrictions on grant of bail*

- 30 (1) An appellant shall not be released under paragraph 29 above without the consent of the Secretary of State if directions for the removal of the appellant from the United Kingdom are for the time being in force, or the power to give such directions is for the time being exercisable.
- (2) Notwithstanding paragraph 29(3) or (4) above, an adjudicator and the Tribunal shall not be obliged to release an appellant unless the appellant enters into a proper recognizance, with sufficient and satisfactory sureties if required, or in Scotland sufficient and satisfactory bail is found if so required ; and an adjudicator and the Tribunal shall not be obliged to release an appellant if it appears to the adjudicator or the Tribunal, as the case may be—
- (a) that the appellant, having on any previous occasion been released on bail (whether under paragraph 24 or under any other provision), has failed to comply with the conditions of any recognizance or bail bond entered into by him on that occasion;
  - (b) that the appellant is likely to commit an offence unless he is retained in detention ;
  - (c) that the release of the appellant is likely to cause danger to public health;
  - (d) that the appellant is suffering from mental disorder and that his continued detention is necessary in his own interests or for the protection of any other person ; or
  - (e) that the appellant is under the age of seventeen, that arrangements ought to be made for his care in the event of his release and that no satisfactory arrangements for that purpose have been made.

#### *Forfeiture of recognizances*

- 31 (1) Where under paragraph 29 above (as it applies in England and Wales or in Northern Ireland) a recognizance is entered into conditioned for the appearance of an appellant before an adjudicator or the Tribunal, and it appears to the adjudicator or the Tribunal, as the case may be, to be forfeited, the adjudicator or Tribunal may by order declare it to be forfeited and adjudge the persons bound thereby, whether as principal or sureties, or any of them, to pay the sum in which they are respectively bound or such part of it, if any, as the adjudicator or Tribunal thinks fit.
- (2) An order under this paragraph shall, for the purposes of this sub-paragraph, specify a magistrates' court or, in Northern Ireland, court of summary jurisdiction ; and

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*Status: This is the original version (as it was originally enacted).*

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the recognizance shall be treated for the purposes of collection, enforcement and remission of the sum forfeited as having been forfeited by the court so specified.

- (3) Where an adjudicator or the Tribunal makes an order under this paragraph the adjudicator or Tribunal shall, as soon as practicable, give particulars of the recognizance to the clerk of the court specified in the order in pursuance of sub-paragraph (2) above.
- (4) Any sum the payment of which is enforceable by a magistrates' court in England or Wales by virtue of this paragraph shall be treated for the purposes of the Justices of the Peace Act 1949 and, in particular, section 27 thereof as being due under a recognizance forfeited by such a court and as being Exchequer moneys.
- (5) Any sum the payment of which is enforceable by virtue of this paragraph by a court of summary jurisdiction in Northern Ireland shall, for the purposes of section 20(5) of the Administration of Justice Act (Northern Ireland) 1954, be treated as a forfeited recognizance.
- 32 Where under paragraph 29 above (as it applies in Scotland) a person released on bail fails to comply with the terms of a bail bond conditioned for his appearance before an adjudicator or the Tribunal, the adjudicator or Tribunal may declare the bail to be forfeited, and any bail so forfeited shall be transmitted by the adjudicator or the Tribunal to the sheriff court having jurisdiction in the area where the proceedings took place, and shall be treated as having been forfeited by that court.

*Arrest of appellants released on bail*

- 33 (1) An immigration officer or constable may arrest without warrant a person who has been released by virtue of this Part of this Schedule—
- (a) if he has reasonable grounds for believing that that person is likely to break the condition of his recognizance or bail bond that he will appear at the time and place required or to break any other condition of it, or has reasonable ground to suspect that that person is breaking or has broken any such other condition ; or
  - (b) if, a recognizance with sureties having been taken, he is notified in writing by any surety of the surety's belief that that person is likely to break the first-mentioned condition, and of the surety's wish for that reason to be relieved of his obligations as a surety ;
- and paragraph 17(2) above shall apply for the arrest of a person under this paragraph as it applies for the arrest of a person under paragraph 17.
- (2) A person arrested under this paragraph—
- (a) if not required by a condition on which he was released to appear before an adjudicator or Tribunal within twenty-four hours after the time of his arrest, shall as soon as practicable be brought before an adjudicator or, if that is not practicable within those twenty-four hours, before a justice of the peace acting for the petty sessions area in which he is arrested or, in Scotland, the sheriff; and
  - (b) if required by such a condition to appear within those twenty-four hours before an adjudicator or before the Tribunal, shall be brought before that adjudicator or before the Tribunal, as the case may be.
- (3) An adjudicator, justice of the peace or sheriff before whom a person is brought by virtue of sub-paragraph (2)(a) above—

- (a) if of the opinion that that person has broken or is likely to break any condition on which he was released, may either—
  - (i) direct that he be detained under the authority of the person by whom he was arrested ; or
  - (ii) release him on his original recognizance or on a new recognizance, with or without sureties, or, in Scotland, on his original bail or on new bail; and
- (b) if not of that opinion, shall release him on his original recognizance or bail.