
Changes to legislation: There are currently no known outstanding effects for the Asylum and Immigration Act 1996, Cross Heading: Bail pending appeal from Immigration Appeal Tribunal. (See end of Document for details)

SCHEDULES

SCHEDULE 3

AMENDMENTS OF THE 1993 ACT

Bail pending appeal from Immigration Appeal Tribunal

3 After section 9 of the 1993 Act there shall be inserted the following section—

“9A Bail pending appeal from Immigration Appeal Tribunal

- (1) Where a person (“an appellant”)—
 - (a) has an appeal under Part II of the 1971 Act which is pending by reason of an appeal, or an application for leave to appeal, under section 9 above; and
 - (b) is for the time being detained under Part I of Schedule 2 to that Act (general provisions as to control on entry etc.),he may be released on bail in accordance with this section.
- (2) An immigration officer not below the rank of chief immigration officer, a police officer not below the rank of inspector or an adjudicator may release an appellant on his entering into a recognizance or, in Scotland, bail bond conditioned for his appearance before the appropriate appeal court at a time and place named in the recognizance or bail bond.
- (3) The Immigration Appeal Tribunal may release an appellant on his entering into a recognizance or, in Scotland, bail bond conditioned for his appearance before the appropriate appeal court at a time and place named in the recognizance or bail bond; and where—
 - (a) the appeal, or the application for leave to appeal, under section 9 above is by the Secretary of State; or
 - (b) the appellant has been granted leave to appeal under that section, and has duly given notice of appeal,the Tribunal shall, if the appellant so requests, exercise its powers under this subsection.
- (4) Sub-paragraphs (5) and (6) of paragraph 29 (grant of bail pending appeal) of Schedule 2 to the 1971 Act shall apply for the purposes of this section as they apply for the purposes of that paragraph.
- (5) Paragraphs 30 to 33 of that Schedule shall apply as if—
 - (a) any reference to paragraph 29 included a reference to this section;
 - (b) the reference in paragraph 30(2) to paragraph 29(3) or (4) included a reference to subsection (3) above; and
 - (c) any reference in paragraphs 31 to 33 to the Immigration Appeal Tribunal included a reference to the appropriate appeal court.

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(6) In this section “the appropriate appeal court” has the same meaning as in section 9 above.”

Commencement Information

- II** Sch. 3 para. 3 wholly in force at 1.9.1996; Sch. 3 para. 3 not in force at Royal Assent see s. 13(3); Sch. 3 para. 3 in force at 1.9.1996 by S.I. 1996/2053, art. 2, **Sch. Pt. II**

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