
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations commence sections 61(1) and (2) and 66 of the Immigration Act 2016 (“the 2016 Act”) (c. 19) and the majority of the immigration bail provisions set out in Schedule 10 to the 2016 Act. Some provisions, which relate to automatic electronic tagging, are not being commenced at this time.

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.

These Regulations also commence certain provisions in Schedule 11 in order to effect the repeal of section 4(1) of the Immigration and Asylum Act 1999 (provision of accommodation) and the appeals provisions in relation to it. This coincides with the commencement of paragraph 9 of Schedule 10 to the 2016 Act which provides a means by which those on bail can be supported.

Regulation 3 gives effect to the Schedule to these Regulations. The Schedule makes a number of transitional provisions.

Paragraph 1 makes transitional provisions to ensure that those who are at large at the date on which Schedule 10 to the 2016 Act comes into force are treated as having been granted immigration bail and that any conditions attached to their former status will remain in place under the new provisions.

Paragraph 2 makes transitional provisions in respect of recognizances entered into by sureties in respect of bail. This paragraph has the effect of converting an existing recognizance and bail bonds into a financial condition within the meaning of paragraph 5 of Schedule 10. Sub-paragraph (3) ensures that management of bail cases in which a recognizance or bail bond has been given to the Tribunal remain with the Tribunal for the purposes of determining liability following a breach of conditions.