



Immigration and Asylum Act 1999

1999 CHAPTER 33

VALID FROM 10/02/2003

PART III

BAIL

PROSPECTIVE

Routine bail hearings

^{F1}**44** **Bail hearings for detained persons.**

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Textual Amendments

F1 Ss. 44-52 repealed (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), ss. 68(6)(a), 162(1), [Sch. 9](#) (with s. 159); S.I. 2003/1, art. 2, Sch.

^{F1}**45** **Location of bail hearings.**

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Textual Amendments

F1 Ss. 44-52 repealed (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), ss. 68(6)(a), 162(1), [Sch. 9](#) (with s. 159); S.I. 2003/1, art. 2, Sch.

Status: Point in time view as at 07/11/2002. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: Immigration and Asylum Act 1999, Part III is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

^{F1}46 General right to be released on bail.

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Textual Amendments

F1 Ss. 44-52 repealed (10.2.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 68(6)(a), 162(1), **Sch. 9** (with s. 159); S.I. 2003/1, art. 2, Sch.

^{F1}47 Powers exercisable on granting bail.

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Textual Amendments

F1 Ss. 44-52 repealed (10.2.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 68(6)(a), 162(1), **Sch. 9** (with s. 159); S.I. 2003/1, art. 2, Sch.

^{F1}48 Forfeiture.

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Textual Amendments

F1 Ss. 44-52 repealed (10.2.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 68(6)(a), 162(1), **Sch. 9** (with s. 159); S.I. 2003/1, art. 2, Sch.

^{F1}49 Forfeiture of securities.

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Textual Amendments

F1 Ss. 44-52 repealed (10.2.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 68(6)(a), 162(1), **Sch. 9** (with s. 159); S.I. 2003/1, art. 2, Sch.

^{F1}50 Power of arrest.

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Textual Amendments

F1 Ss. 44-52 repealed (10.2.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 68(6)(a), 162(1), **Sch. 9** (with s. 159); S.I. 2003/1, art. 2, Sch.

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PROSPECTIVE

Procedure

F1 51 Procedure.

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Textual Amendments

F1 Ss. 44-52 repealed (10.2.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 68(6)(a), 162(1), **Sch. 9** (with s. 159); S.I. 2003/1, art. 2, Sch.

F1 52 Use of live television links at bail hearings.

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Textual Amendments

F1 Ss. 44-52 repealed (10.2.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 68(6)(a), 162(1), **Sch. 9** (with s. 159); S.I. 2003/1, art. 2, Sch.

Bail hearings under other enactments

53 Applications for bail in immigration cases.

- (1) The Secretary of State may by regulations make new provision in relation to applications for bail by persons detained under the 1971 Act.
- (2) The regulations may confer a right to be released on bail in prescribed circumstances.
- (3) The regulations may, in particular, make provision—
 - (a) creating or transferring jurisdiction to hear an application for bail by a person detained under the 1971 Act;
 - (b) as to the places in which such an application may be held;
 - (c) as to the procedure to be followed on, or in connection with, such an application;
 - (d) as to circumstances in which, and conditions (including financial conditions) on which, an applicant may be released on bail;
 - (e) amending or repealing any enactment so far as it relates to such an application.
- (4) The regulations must include provision for securing that an application for bail made by a person who has brought an appeal under any provision of this Act or the ^{M1}Special Immigration Appeals Commission Act 1997 is heard by the appellate authority hearing that appeal.
- (5) When exercising his power under subsection (1), the Secretary of State must have regard to the desirability, in relation to applications for bail by persons detained under

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the 1971 Act, of making provision similar to that which is made by this Part in relation to references to the court under section 44.

- (6) Regulations under this section require the approval of the Lord Chancellor.
- (7) In so far as regulations under this section relate to the sheriff or the Court of Session, the Lord Chancellor must obtain the consent of the Scottish Ministers before giving his approval.

Marginal Citations

M1 1997 c. 68.

54 Extension of right to apply for bail in deportation cases.

- (1) Paragraph 2 of Schedule 3 to the 1971 Act (detention or control pending deportation) is amended as follows.
- (2) In sub-paragraph (1), at the end insert “ or he is released on bail ”.
- (3) In sub-paragraph (3), after “unless” insert “ he is released on bail or ”.
- (4) After sub-paragraph (4) insert—
- “(4A) Paragraphs 22 to 25 of Schedule 2 to this Act apply in relation to a person detained under sub-paragraph (1), (2) or (3) as they apply in relation to a person detained under paragraph 16 of that Schedule.”

PROSPECTIVE

Grants

^{F2}55 Grants to voluntary organisations.

Textual Amendments

F2 S. 55 repealed (10.2.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 68(6) (c), 162(1), Sch. 9 (with s. 159); S.I. 2003/1, art. 2, Sch.

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