

Changes to legislation: Immigration Act 2016, Cross Heading: Immigration Act 1971 (c. 77) is up to date with all changes known to be in force on or before 17 June 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) View outstanding changes

SCHEDULES

SCHEDULE 10

IMMIGRATION BAIL

Modifications etc. (not altering text)

- C1** Sch. 10 applied (with modifications) (31.1.2020) by [The Immigration \(Citizens Rights Appeals\) \(EU Exit\) Regulations 2020 \(S.I. 2020/61\)](#), reg. 1(2), Sch. 3 para. 2(1)(b)(4)
- C1** Sch. 10 modified (15.1.2018 for specified purposes, 31.8.2021 for E.W. in so far as not already in force, 31.8.2022 for S.N.I. in so far as not already in force) by [1997 c. 68, Sch. 3](#) (as substituted by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 10 para. 25](#); S.I. 2017/1241, reg. 2(c) (with [Sch.](#)) (as amended by S.I. 2018/31, [reg. 2](#)); S.I. 2021/939, reg. 2(b) (with Sch. para. 1, [2](#)); S.I. 2022/863, [regs. 1\(2\)](#), [2\(b\)](#))
- C1** Sch. 10 applied by [2007 c. 30, s. 36\(3A\)-\(3C\)](#) (as inserted (15.1.2018) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 10 para. 40\(4\)](#); S.I. 2017/1241, reg. 2(c) (with [Sch.](#)) (as amended by S.I. 2018/31, [reg. 2](#)))
- C2** Sch. 10 applied by [1971 c. 77, Sch. 3 para. 2\(5\)-\(7\)](#) (as substituted (15.1.2018) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 10 para. 21\(2\)\(d\)](#); S.I. 2017/1241, reg. 2(c) (with [Sch.](#)) (as amended by S.I. 2018/31, [reg. 2](#)))

PART 2

AMENDMENTS TO OTHER ACTS

Immigration Act 1971 (c. 77)

- 14 The Immigration Act 1971 is amended as follows.

Commencement Information

- I1** Sch. 10 para. 14 in force at 15.1.2018 by [S.I. 2017/1241, reg. 2\(c\)](#) (with [Sch.](#)) (as amended by [S.I. 2018/31, reg. 2](#))

- 15 In section 11(1) (construction of references to entry)—
- (a) omit “, or temporarily admitted or released while liable to detention,”,
 - (b) omit “or by Part III of the Immigration and Asylum Act 1999”, and
 - (c) for “or by section 68 of the Nationality, Immigration and Asylum Act 2002” substitute “ or on immigration bail within the meaning of Schedule 10 to the Immigration Act 2016 ”.

Commencement Information

- I2** Sch. 10 para. 15 in force at 15.1.2018 by [S.I. 2017/1241, reg. 2\(c\)](#) (with [Sch.](#)) (as amended by [S.I. 2018/31, reg. 2](#))

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- 16 (1) Section 24 (illegal entry and other similar offences) is amended as follows.
- (2) In subsection (1)—
- (a) omit paragraph (e), and
 - (b) at the end of paragraph (g) insert “;
 - (h) if the person is on immigration bail within the meaning of Schedule 10 to the Immigration Act 2016 and, without reasonable excuse, the person breaches a bail condition within the meaning of that Schedule.”
- (3) In subsection (3) for “28” substitute “ 28(1) ”.
- (4) After that subsection insert—
- “(3A) The extended time limit for prosecutions which is provided for by section 28(1A) below shall apply to offences under subsection (1)(h) above.”

Commencement Information

I3 Sch. 10 para. 16 in force at 15.1.2018 by [S.I. 2017/1241](#), **reg. 2(c)** (with [Sch.](#)) (as amended by [S.I. 2018/31](#), reg. 2)

- 17 (1) Section 28 (proceedings for offences) is amended as follows.
- (2) In subsection (1) for “24” substitute “ 24(3) ”.
- (3) After that subsection insert—
- “(1A) Where the offence is one to which, under section 24(3A), an extended time limit for prosecutions is to apply, then—
- (a) an information relating to the offence may in England and Wales be tried by a magistrates' court if it is laid—
 - (i) within the period of six months beginning with the date of the commission of the offence, or
 - (ii) within the period of three months beginning with the date when the person is first arrested for the offence or under paragraph 10 of Schedule 10 to the Immigration Act 2016 (arrest for breach of bail condition), if that period expires after the end of the period mentioned in sub-paragraph (i),
 - (b) summary proceedings for the offence may in Scotland be commenced—
 - (i) within the period of six months beginning with the date of the commission of the offence, or
 - (ii) within the period of three months beginning with the date when the person is first arrested for the offence or under paragraph 10 of Schedule 10 to the Immigration Act 2016 (arrest for breach of bail condition), if that period expires after the end of the period mentioned in sub-paragraph (i), and
 - (c) a complaint charging the commission of an offence under this paragraph may in Northern Ireland be heard and determined by a magistrates' court if it is made—

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- (i) within the period of six months beginning with the date of the commission of the offence, or
- (ii) within the period of three months beginning with the date when the person is first arrested for the offence or under paragraph 10 of Schedule 10 to the Immigration Act 2016 (arrest for breach of bail condition), if that period expires after the end of the period mentioned in sub-paragraph (i).”

(4) In subsection (2) for “subsection (1)(b)” substitute “ subsections (1)(b) and (1A)(b) ”.

Commencement Information

I4 Sch. 10 para. 17 in force at 15.1.2018 by [S.I. 2017/1241](#), [reg. 2\(c\)](#) (with [Sch.](#)) (as amended by [S.I. 2018/31](#), reg. 2)

18 In section 28B(5) (meaning of “relevant offence”) for “(e) or (f)” substitute “ (f) or (h) ”.

Commencement Information

I5 Sch. 10 para. 18 in force at 15.1.2018 by [S.I. 2017/1241](#), [reg. 2\(c\)](#) (with [Sch.](#)) (as amended by [S.I. 2018/31](#), reg. 2)

19 In section 28D(4) (meaning of “relevant offence”) for “(e) or (f)” substitute “ (f) or (h) ”.

Commencement Information

I6 Sch. 10 para. 19 in force at 15.1.2018 by [S.I. 2017/1241](#), [reg. 2\(c\)](#) (with [Sch.](#)) (as amended by [S.I. 2018/31](#), reg. 2)

20 In Schedule 2 (administrative provisions as to control on entry etc) omit paragraphs 21 to 25 and 29 to 34.

Commencement Information

I7 Sch. 10 para. 20 in force at 15.1.2018 by [S.I. 2017/1241](#), [reg. 2\(c\)](#) (with [Sch.](#)) (as amended by [S.I. 2018/31](#), reg. 2)

21 (1) Schedule 3 (supplementary provisions as to deportation) is amended as follows.

(2) In paragraph 2—

(a) in sub-paragraph (1)—

(i) omit the words from “, unless” in the first place it appears to “below,” and

(ii) for the words from “unless” in the second place it appears to the end of the sub-paragraph substitute “unless—

(a) the court by which the recommendation is made grants bail to the person, or

(b) the person is released on immigration bail under Schedule 10 to the Immigration Act 2016.”,”

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- (b) in sub-paragraph (1A) for the words from “direct” to the end of the sub-paragraph substitute “ release the person on bail without setting aside the recommendation. ”,
- (c) in sub-paragraph (3) for the words from “unless” to the end of the sub-paragraph substitute “ unless he is released on immigration bail under Schedule 10 to the Immigration Act 2016. ”, and
- (d) for sub-paragraphs (4A) to (6) substitute—

“(5) The provisions of Schedule 10 to the Immigration Act 2016 that apply in relation to the grant of immigration bail by the First-tier Tribunal apply in relation to the grant of bail by the court under sub-paragraph (1) or (1A).

(6) If the court grants bail to a person under sub-paragraph (1) or (1A), Schedule 10 to the Immigration Act 2016 applies in relation to that person as if the person had been granted immigration bail by the First-tier Tribunal under that Schedule.

(7) A reference in any provision of, or made under, an enactment other than this paragraph to immigration bail granted, or a condition imposed, under Schedule 10 to the Immigration Act 2016 includes bail granted by the court under sub-paragraph (1) or (1A) or (as the case may be) a condition imposed by the court on the grant of such bail.”

- (3) Omit paragraphs 3 to 10.

Commencement Information

18 Sch. 10 para. 21 in force at 15.1.2018 by [S.I. 2017/1241](#), [reg. 2\(c\)](#) (with [Sch.](#)) (as amended by [S.I. 2018/31](#), reg. 2)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/1241, Sch. by [S.I. 2018/31 reg. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 69(9)(d) and word inserted by [2023 c. 37 s. 21\(2\)\(b\)](#)
- Sch. 10 para. 3(2)(eza) inserted by [2023 c. 37 s. 13\(3\)\(a\)](#)
- Sch. 10 para. 3(3A)-(3C) inserted by [2023 c. 37 s. 13\(3\)\(b\)](#)
- Sch. 10 para. 3A and cross-heading inserted by [2023 c. 37 s. 13\(4\)](#)