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Changes to legislation: Immigration Act 1971, Paragraph 33 is up to date with all changes known to be in force on or before 25 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)

SCHEDULES

SCHEDULE 2

ADMINISTRATIVE PROVISIONS AS TO CONTROL ON ENTRY ETC.

Modifications etc. (not altering text)

- C1** Sch. 2 modified (10.6.1991) by [Criminal Justice \(International Co-operation\) Act 1990 \(c. 5, SIF 39:1\), s. 6\(6\)\(b\)](#); S.I. 1991/1072, art. 2, [Sch. Pt. I](#)
- C1** Sch. 2 modified (2.8.1993) by S.I. 1993/1813, arts. 7(1), 1, [Sch. 4 para. 1\(11\)](#) (as amended: (1.12.1997) by S.I. 1994/1405, art. 8, [Sch. 4 para. 11](#); (30.7.2000) by S.I. 2000/1775, arts. 1, [2\(2\)](#); (25.5.2001) by S.I. 2001/1544, arts. 1(2), [6\(3\)](#) (as itself amended (2.1.2008) by S.I. 2007/3579, [art. 2\(2\)\(3\)](#)); (5.8.2014) by S.I. 2014/1814, arts. 1, [2\(3\)\(4\)](#); and (30.9.2020) by S.I. 2020/915, arts. 1(2), [5\(5\)](#))
Sch. 2 extended (with modifications): (Guernsey) (1.8.1993) by S.I. 1993/1796, art. 3(1), [Sch. 1 Pt. 1](#); (Jersey) (1.8.1993) by S.I. 1993/1797, art. 3(1), [Sch. 1 Pt. 1](#) (as amended (17.10.2012) by S.I. 2012/2593, arts. 1, [2\(2\)](#))
Sch. 2 applied (20.7.1994) by S.I. 1994/1895, [art. 20\(2\)](#)
Sch. 2 amended (2.10.2000) by 1999 c. 33, s. 66; S.I. 2000/2444, art. 2, [Sch. 1](#) (subject to transitional provisions in [art. 3](#), [Sch. 2 para. 2](#))
Sch. 2 extended (10.2.2003) (with modifications) by 2002 c. 41, s. 62(3) (with s. 159); S.I. 2003/1, [art. 2](#), [Sch. 2](#), [Sch.](#)
Sch. 2 amended (1.4.2003) by 2002 c. 41, s. 68 (with s. 159); S.I. 2003/754, art. 2, [Sch. 1](#) (with transitional provisions in [arts. 3, 4](#), [Sch. 2](#)) (as amended by S.I. 2003/1040 and S.I. 2003/1339)
- C1** Sch. 2 applied by [The Immigration \(European Economic Area\) Regulations 2006 \(S.I. 2006/1003\)](#), reg. 24(4) (as substituted (1.6.2009) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2009 \(S.I. 2009/1117\)](#), reg. 2, [Sch. 1 para. 10\(c\)](#))

PART II

EFFECT OF APPEALS

Modifications etc. (not altering text)

- C1** Sch. 2 Pt. II amended (26.7.1993) by 1993 c. 23, s. 8(6), [Sch. 2 para. 9](#); S.I. 1993/1655, [art. 2](#)
Sch. 2 Pt. II extended (with modifications) (Isle of Man) (1.4.1997) by S.I. 1997/275, [art. 2\(1\)](#), [Sch.](#)
Sch. 2 Pt. II: power to modify conferred (11.6.1998) by 1997 c. 68, s. 5(4)(a); S.I. 1998/1336, [art. 2](#)
Sch. 2 Pt. II extended (3.8.1998) by 1997 c. 68, s. 2, [Sch. 2 paras. 3\(1\), 4](#); S.I. 1998/1892, [art. 2](#)

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

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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 [^{F1}the Tribunal] within twenty-four hours after the time of his arrest, shall as soon as practicable be brought [^{F2}before the Tribunal] or, if that is not practicable within those twenty-four hours, before [^{F3}in England and Wales, a justice of the peace, in Northern Ireland,] 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 [^{F4}before the Tribunal] , shall be brought [^{F5}before it] .

(3) [^{F6}Where a person is brought before [^{F7}the First-tier Tribunal] , a justice of the peace or the sheriff by virtue of sub-paragraph (2)(a), the Tribunal, justice of the peace or sheriff]—

- (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.

Textual Amendments

- F1** Words in Sch. 2 para. 33 substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), s. 26, Sch. 2 para. 1\(5\)\(f\)](#); S.I. 2005/565, [art. 2](#) (with arts. 3-9)
- F2** Words in Sch. 2 para. 33(2)(a) substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), s. 26, Sch. 2 para. 1\(6\)\(a\)](#); S.I. 2005/565, [art. 2](#) (with arts. 3-9)
- F3** Words in Sch. 2 para. 33(2)(a) inserted (1.4.2005) by [Courts Act 2003 \(c. 39\), s. 109\(1\), Sch. 8 para. 149\(4\)](#); S.I. 2005/910, [art. 3\(y\)\(bb\)](#)
- F4** Words in Sch. 2 para. 33 substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), s. 26, Sch. 2 para. 1\(5\)\(g\)](#); S.I. 2005/565, [art. 2](#) (with arts. 3-9)
- F5** Words in Sch. 2 para. 33(2)(b) substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), s. 26, Sch. 2 para. 1\(6\)\(b\)](#); S.I. 2005/565, [art. 2](#) (with arts. 3-9)
- F6** Words in Sch. 2 para. 33(2)(c) substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), s. 26, Sch. 2 para. 1\(6\)\(c\)](#); S.I. 2005/565, [art. 2](#) (with arts. 3-9)
- F7** Words in Sch. 2 para. 33(3) substituted (15.2.2010) by [The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 \(S.I. 2010/21\), art. 1, Sch. 1 para. 2](#) (with Sch. 4)

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Modifications etc. (not altering text)

- C1** Sch. 2 paras. 30-33 applied (with modifications) (1.9.1996) by 1993 c. 23, s. 9A (as inserted (1.9.1996) by 1996 c. 49, s. 12(2), **Sch. 3 para.3**; S.I. 1996/2053, art. 2, **Sch. Pt.II**)
Sch. 2 para. 33 modified (3.8.1998) by 1997 c. 68, s. 3, **Sch. 3 para.8**; S.I. 1998/1892, **art.2**

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