

Status: Point in time view as at 28/07/2014.

Changes to legislation: Immigration Act 1971, Cross Heading: Temporary admission or release of persons liable to detention is up to date with all changes known to be in force on or before 19 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. 2](#)
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\(c\)](#))
- C1** Sch. 2 amendment to earlier affecting S.I. 1993/1797, Sch. 1 Pt. 1 (17.10.2012 coming into force in accordance with art. 1) by [The Immigration and Asylum \(Jersey\) Order 2012 \(S.I. 2012/2593\)](#), arts. 1, [2\(2\)](#)
- C1** Sch. 2 applied in part (with modifications) by S.I. 2006/1003, reg. 29AA(6)(7) (as inserted (28.7.2014) by [The Immigration \(European Economic Area\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/1976\)](#), reg. 1, [Sch. para. 8](#) (with reg. 4))

PART I

GENERAL PROVISIONS

Modifications etc. (not altering text)

- C1** Sch. 2 Pt. I applied (with modifications) (2.10.2000) by 1999 c. 33, s. 58(3), [Sch. 4 Pt. II para. 12](#); S.I. 2000/2444, art. 2, [Sch. 1](#) (subject to transitional provisions in [art. 3](#), [Sch. 2 para. 2](#))
Sch. 2 Pt. I amended (2.10.2000) by 1999 c. 33, s. 58(3), [Sch. 4 Pt. II para. 15](#); S.I. 2000/2444, art. 2, [Sch. 1](#) (subject to transitional provisions in [art. 3](#), [Sch. 2 para. 2](#))

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Sch. 2 Pt. I applied (with modifications) (2.10.2000 with application as mentioned in regs. 9, 28) by S.I. 2000/2326, reg. 32(3)(7) (as substituted (1.4.2003) for reg. 34(3)(10) by S.I. 2003/549, reg. 2(8) (with reg. 3))

Temporary admission or release of persons liable to detention

- 21 (1) A person liable to detention or detained under paragraph 16 [^{F1}(1), (1A) or (2)] above may, under the written authority of an immigration officer, be temporarily admitted to the United Kingdom without being detained or be released from detention; but this shall not prejudice a later exercise of the power to detain him.
- (2) So long as a person is at large in the United Kingdom by virtue of this paragraph, he shall be subject to such restrictions as to residence [^{F2}, as to his employment or occupation] and as to reporting to the police or an immigration officer as may from time to time be notified to him in writing by an immigration officer.
- ^{F3}(2A) The provisions that may be included in restrictions as to residence imposed under sub-paragraph (2) include provisions of such a description as may be prescribed by regulations made by the Secretary of State.
- (2B) The regulations may, among other things, provide for the inclusion of provisions—
- (a) prohibiting residence in one or more particular areas;
 - (b) requiring the person concerned to reside in accommodation provided under section 4 of the Immigration and Asylum Act 1999 and prohibiting him from being absent from that accommodation except in accordance with the restrictions imposed on him.
- (2C) The regulations may provide that a particular description of provision may be imposed only for prescribed purposes.
- (2D) The power to make regulations conferred by this paragraph is exercisable by statutory instrument and includes a power to make different provision for different cases.
- (2E) But no regulations under this paragraph are to be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.]
- ^{F4}[(3) Sub-paragraph (4) below applies where a person who is at large in the United Kingdom by virtue of this paragraph is subject to a restriction as to reporting to an immigration officer with a view to the conclusion of his examination under paragraph 2 [^{F5}or 2A]] above.
- (4) If the person fails at any time to comply with that restriction—
- (a) an immigration officer may direct that the person's examination ^{F6}. . . shall be treated as concluded at that time; but
 - (b) nothing in paragraph 6 above shall require the notice giving or refusing him leave to enter the United Kingdom to be given within twenty-four hours after that time.

Textual Amendments

- F1** Words in Sch. 2 para. 21(1) inserted (31.8.2006) by [Immigration, Asylum and Nationality Act 2006](#) (c. 13), [s. 42\(4\)](#); S.I. 2006/2226, [art. 3](#), Sch. 1 (subject to transitional provisions in [art. 4](#))

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- F2** Words inserted by [Immigration Act 1988 \(c. 14, SIF 62\), s. 10, Sch. para. 10\(1\)\(4\)](#)
- F3** Sch. 2 para. 21(2A)-(2E) inserted (11.11.1999) by [1999 c. 33, ss. 169\(1\), 170\(3\), Sch. 14 paras. 43, 62\(2\)](#) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by [S.I. 2003/1252, art. 2, Sch.](#))
- F4** Sch. 2 para. 21(3)(4) inserted (1.9.1996) by [1996 c. 49, s. 12\(1\), Sch. 2 para. 10; S.I. 1996/2053, art. 2, Sch. Pt. II](#)
- F5** Words in Sch. 2 para. 21(3) inserted (14.2.2000) by [1999 c. 33, s. 169\(1\), Sch. 14 paras. 43, 62\(3\); S.I. 2000/168, art. 2, Sch.](#) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by [S.I. 2003/1252, art. 2, Sch.](#))
- F6** Words in Sch. 2 para. 21(4)(a) repealed (14.2.2000) by [1999 c. 33, s. 169\(1\)\(3\), Sch. 14 paras. 43, 62\(4\), Sch. 16; S.I. 2000/168, art. 2, Sch.](#) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by [S.I. 2003/1252, art. 2, Sch.](#))

Modifications etc. (not altering text)

- C1** Sch. 2 para. 21 applied (14.2.2000) by [1999 c. 33, ss. 9\(4\), 10](#) (as substituted (20.10.2014) by [2014 c. 22, ss. 1, 75\(3\); S.I. 2014/2771, art. 2\(a\)](#) (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371, arts. 1\(2\)\(3\), 7, 8](#); and with transitional provisions and savings in [S.I. 2014/2928, art. 2](#) (which S.I. is revoked (6.4.2015) by [S.I. 2015/371, arts. 1\(3\), 9](#))); [S.I. 2000/2444, art. 2, Sch. 1](#) (subject to transitional provisions in [art. 3, Sch. 2 para. 2](#)) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by [S.I. 2003/1252, art. 2, Sch.](#))
Sch. 2 para. 21 modified (18.7.2001) by [S.I. 2001/2590, art. 3](#)
- C2** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by [S.I. 2000/2326, reg. 24\(2\)](#) (with [regs. 9, 28](#))
Sch. 2 para. 21 applied (2.10.2000) by [S.I. 2000/2326, reg. 25\(3\)\(a\)](#) (with [regs. 9, 28](#))
- C3** Sch. 2 para. 21 extended (10.2.2003) by [2002 c. 41, s. 71\(2\)](#) (with [s. 159](#)); [S.I. 2003/1, art. 2, Sch.](#)

22 ^{F7}[(1) The following, namely—

- (a) a person detained under paragraph 16(1) above pending examination;
[a person detained under paragraph 16(1A) above pending completion of his
^{F8}(aa) examination or a decision on whether to cancel his leave to enter;]] and
- (b) a person detained under paragraph 16(2) above pending the giving of directions,

may be released on bail in accordance with this paragraph.

(1A) An immigration officer not below the rank of chief immigration officer or [^{F9}the First-tier Tribunal] may release a person so detained on his entering into a recognizance or, in Scotland, bail bond conditioned for his appearance before an immigration officer at a time and place named in the recognizance or bail bond or at such other time and place as may in the meantime be notified to him in writing by an immigration officer.

(1B) Sub-paragraph (1)(a) above shall not apply unless seven days have elapsed since the date of the person's arrival in the United Kingdom.

(2) The conditions of a recognizance or bail bond taken under this paragraph may include conditions appearing to the [^{F10}immigration officer or [^{F9}the First-tier Tribunal]] to be likely to result in the appearance of the person bailed at the required time and place; and any recognizance shall be with or without sureties as the [^{F10}officer or [^{F9}the First-tier Tribunal]] may determine.

(3) In any case in which an [^{F11}immigration officer or [^{F9}the First-tier Tribunal]] has power under this paragraph to release a person on bail, the [^{F11}officer or [^{F9}the First-tier Tribunal]] may, instead of taking the bail, fix the amount and conditions of the

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bail (including the amount in which any sureties are to be bound) with a view to its being taken subsequently by any such person as may be specified by the [F11 officer or [F9 the First-tier Tribunal]] ; and on the recognizance or bail bond being so taken the person to be bailed shall be released.

- [F12(4) A person must not be released on bail in accordance with this paragraph without the consent of the Secretary of State if—
- (a) directions for the removal of the person from the United Kingdom are for the time being in force, and
 - (b) the directions require the person to be removed from the United Kingdom within the period of 14 days starting with the date of the decision on whether the person should be released on bail.]

Textual Amendments

- F7** Sch. 2 para. 22(1)(1A)(1B) substituted (1.9.1996) for para. 22(1) by 1996 c. 49, s. 12(1), **Sch. 2 para. 11(1)**; S.I. 1996/2053, art. 2, **Sch. Pt. II**
- F8** Sch. 2 para. 22(1)(aa) inserted (14.2.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, **63**; S.I. 2000/168, art. 2, **Sch**
- F9** Words in Sch. 2 para. 22(1A)(2)(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)
- F10** Words in Sch. 2 para. 22(2) substituted (1.9.1996) by 1996 c. 49, s. 12(1), **Sch. 2 para. 11(2)**; S.I. 1996/2053, art. 2, **Sch. Pt. II**
- F11** Words in Sch. 2 para. 22(3) substituted (1.9.1996) by 1996 c. 49, s. 12(1), **Sch. 2 para. 11(3)**; S.I. 1996/2053, art. 2, **Sch. Pt. II**
- F12** Sch. 2 para. 22(4) inserted (28.7.2014) by **Immigration Act 2014 (c. 22)**, **ss. 7(2)**, 75(3); S.I. 2014/1820, art. 3(f)

Modifications etc. (not altering text)

- C4** Sch. 2 para. 22 modified (retrospectively and temp.) by **Immigration Act 2016 (c. 19)**, **ss. 61(3)-(5)**, 94(3) (with s. 61(6))
- C5** Sch. 2 para. 22 modified (3.8.1998) by 1997 c. 68, s. 3, **Sch. 3 para. 1**; S.I. 1998/1892, **art. 2**
- C6** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by S.I. 2000/2326, **reg. 24(2)** (with **regs. 9, 28**)
 Sch. 2 para. 22 applied (2.10.2000) by S.I. 2000/2326, **reg. 25(3)(a)** (with **regs. 9, 28**)
- C7** Sch. 2 para. 22(1A)(2)(3) applied (with modifications) (14.12.2001) by 2001 c. 24, **ss. 24(2)(a)**, 127(2)

- 23 (1) Where a recognizance entered into under paragraph 22 above appears to [F13 the First-tier Tribunal] to be forfeited, [F13 the First-tier Tribunal] may by order declare it to be forfeited and adjudge the persons bound thereby, whether as principal or sureties, or any of them, to pay the sum in which they are respectively bound or such part of it, if any, as [F13 the First-tier Tribunal] thinks fit; and an order under this sub-paragraph shall specify a magistrates' court or, in Northern Ireland, court of summary jurisdiction, and—
- (a) the recognizance shall be treated for the purposes of collection, enforcement and remission of the sum forfeited as having been forfeited by the court so specified; and
 - (b) the [F13 the First-tier Tribunal] shall, as soon as practicable, give particulars of the recognizance to the [F14 proper officer] of that court.

[F15(1A) In sub-paragraph (1) “proper officer” means—

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- (a) in relation to a magistrates' court in England and Wales, the [^{F16}designated officer] for the court; and
 - (b) in relation to a court of summary jurisdiction in Northern Ireland, the clerk of the court.]
- (2) Where a person released on bail under paragraph 22 above as it applies in Scotland fails to comply with the terms of his bail bond, [^{F13}the First-tier Tribunal] may declare the bail to be forfeited, and any bail so forfeited shall be transmitted by [^{F13}the First-tier Tribunal] to the sheriff court having jurisdiction in the area where the proceedings took place, and shall be treated as having been forfeited by that court.
- (3) Any sum the payment of which is enforceable by a magistrates' court in England or Wales by virtue of this paragraph shall be treated for the [^{F17}purposes of section 38 of the Courts Act 2003 (application of receipts of designated officers) as being] due under a recognizance forfeited by such a court . . . ^{F18}
- (4) Any sum the payment of which is enforceable by virtue of this paragraph by a court of summary jurisdiction in Northern Ireland shall, for the purposes of section 20(5) of the ^{M1}Administration of Justice Act (Northern Ireland) 1954, be treated as a forfeited recognizance.

Textual Amendments

- F13** Words in Sch. 2 para. 23(1)(2) 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)
- F14** Words in Sch. 2 para. 23(1)(b) substituted (1.4.2001) by [1999 c. 22, s. 90, Sch. 13 paras. 64, 70\(1\)\(2\)](#) (with s. 107, [Sch. 14 para. 7\(2\)](#)); [S.I. 2001/916](#), **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F15** Sch. 2 para. 23(1A) inserted (1.4.2001) by [1999 c. 22, s. 90, Sch. 13 paras. 64, 70\(1\)\(3\)](#) (with Sch. 14 para. 7(2)); [S.I. 2001/916](#), **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F16** Words in Sch. 2 para. 23(1A)(a) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 109(1), **Sch. 8 para. 149(2)**; [S.I. 2005/910](#), **art. 3(y)(bb)**
- F17** Words in Sch. 2 para. 23(3) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 109(1), **Sch. 8 para. 149(3)**; [S.I. 2005/910](#), **art. 3(y)(bb)**
- F18** Words repealed by [Criminal Justice Act 1972 \(c. 71\)](#), **Sch. 6 Pt. II**

Modifications etc. (not altering text)

- C8** Sch. 2 para. 23 modified (3.8.1998) by [1997 c. 68, s. 3, Sch. 3 para. 2](#); [S.I. 1998/1892](#), **art. 2**
Sch. 2 para. 23 applied (2.10.2000) by [1999 c. 33, ss. 9\(4\), 10\(7\)](#); [S.I. 2000/2444](#), art. 2, **Sch. 1** (subject to transitional provisions in [art. 3, Sch. 2 para. 2](#))
Sch. 2 para. 23 applied (with modifications) (14.12.2001) by [2001 c. 24, ss. 24\(2\)\(b\), 127\(2\)](#)
- C9** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by [S.I. 2000/2326](#), **reg. 24(2)** (with [regs. 9, 28](#))

Marginal Citations

- M1** [1954 c. 9 \(N.I.\)](#)

- 24 (1) An immigration officer or constable may arrest without warrant a person who has been released by virtue of paragraph 22 above—
- (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 and place required or to break any other condition of it, or has reasonable

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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 an immigration officer within twenty-four hours after the time of his arrest, shall as soon as practicable be brought before [^{F19}the First-tier Tribunal] or, if that is not practicable within those twenty-four hours, before [^{F20}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 before an immigration officer, shall be brought before that officer.

(3) [^{F21}Where a person is brought before [^{F22}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

- F19** Words in Sch. 2 para. 24(2)(a) 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)
- F20** Words in Sch. 2 para. 24(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)**
- F21** Words in Sch. 2 para. 24(3) substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), s. 26, **Sch. 2 para. 1(3)**; [S.I. 2005/565](#), **art. 2** (with arts. 3-9)
- F22** Words in Sch. 2 para. 24(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)

Modifications etc. (not altering text)

- C10** Sch. 2 para. 24 modified (3.8.1998) by [1997 c. 68](#), s. 3, **Sch. 3 para.3**; [S.I. 1998/1892](#), **art.2**
 Sch. 2 para. 24 applied (2.10.2000) by [1999 c. 33](#), **ss. 9(4), 10(7)**; [S.I. 2000/2444](#), art. 2, **Sch. 1** (subject to transitional provisions in art. 3, [Sch. 2 para. 2](#))
 Sch. 2 para. 24 applied (with modifications) (14.12.2001) by [2001 c. 24](#), **ss. 24(2)(c), 127(2)**
- C11** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by [S.I. 2000/2326](#), **reg. 24(2)** (with [regs. 9, 28](#))
 Sch. 2 para. 24 applied (2.10.2000) by [S.I. 2000/2326](#), **reg. 25(3)(a)** (with [regs. 9, 28](#))

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- [^{F23}25. Tribunal Procedure Rules may make provision with respect to applications to the First-tier Tribunal under paragraphs 22 to 24 and matters arising out of such applications.]

Textual Amendments

- F23** Sch. 2 para. 25 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. 3** (with Sch. 4)

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