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Changes to legislation: Immigration Act 1971, Cross Heading: Forfeiture of recognizances is up to date with all changes known to be in force on or before 15 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

Forfeiture of recognizances

- 31 (1) Where under paragraph 29 above (as it applies in England and Wales or in Northern Ireland) a recognizance is entered into conditioned for the appearance of an appellant before an adjudicator or the Tribunal, and it appears to the adjudicator or the Tribunal,

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as the case may be, to be forfeited, the adjudicator or 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 the adjudicator or Tribunal thinks fit.

- (2) An order under this paragraph shall, for the purposes of this sub-paragraph, specify a magistrates' court or, in Northern Ireland, court of summary jurisdiction; and 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.
- (3) Where an adjudicator or the Tribunal makes an order under this paragraph the adjudicator or Tribunal shall, as soon as practicable, give particulars of the recognizance to the clerk of the court specified in the order in pursuance of sub-paragraph (2) above.
- (4) 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 [F¹ purposes of the Justices of the Peace Act 1997 and, in particular, section 60 of that Act, as being] due under a recognizance forfeited by such a court . . . F²
- (5) 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

- F1 Words in Sch. 2 para. 31(4) substituted (19.6.1997) by virtue of 1997 c. 25, ss. 73(2), 74(1), Sch. 5 para.10
- F2 Words repealed by Criminal Justice Act 1972 (c. 71), Sch. 6 Pt. II

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. 31 modified (3.8.1998) by 1997 c. 68, s. 3, Sch. 3 para.6; S.I. 1998/1892, art.2

Marginal Citations

- M1 1954 c. 9 (N.I.)

- 32 Where under paragraph 29 above (as it applies in Scotland) a person released on bail fails to comply with the terms of a bail bond conditioned for his appearance before an adjudicator or the Tribunal, the adjudicator or Tribunal may declare the bail to be forfeited, and any bail so forfeited shall be transmitted by the adjudicator or the 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.

Modifications etc. (not altering text)

- C2 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. 32 modified (3.8.1998) by 1997 c. 68, s. 3, Sch. 3 para.7; S.I. 1998/1892, art.2

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