

Status: Point in time view as at 01/04/2003. This version of this provision has been superseded.

Changes to legislation: Immigration Act 1971, Paragraph 2 is up to date with all changes known to be in force on or before 13 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 3

SUPPLEMENTARY PROVISIONS AS TO DEPORTATION

Modifications etc. (not altering text)

- C1** Schs. 2-4 extended (with modifications) to Guernsey (1.8.1993) by S.I. 1993/1796, art. 3(1), **Sch. 1 Pt. I**
Schs. 2-4 extended (with modifications) to Jersey (1.8.1993) by S.I. 1993/1797, art. 3(1), **Sch. 1 Pt. I**
(as amended (17.10.2012) by S.I. 2012/2593, arts. 1, 2(2))
Sch. 3 modified (2.8.1993) by S.I. 1993/1813, arts. 7(1), 1, **Sch. 4 para. 1(12)**
Sch. 3 amended (2.10.2000) by 1999 c. 33, s. 58(3), **Sch. 4 Pt. II para. 15**; S.I. 2000/2444, art. 2, **Sch**
(subject to transitional provisions in art. 3, Sch. 2 para. 2)
Sch. 3 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** (subject to transitional provisions in art. 3, Sch. 2 para. 2)
Sch. 3 applied (2.10.2000 with application as mentioned in reg. 9) by S.I. 2000/2326, **reg. 26(3)**
Sch. 3 restricted (2.10.2000 with application as mentioned in regs. 9, 28) by S.I. 2000/2326, **reg. 32(2)**
(7) (as substituted (1.4.2003) for reg. 34(2)(10) by S.I. 2003/549, **reg. 2(8)** (with reg. 3))
Sch. 3 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))

Detention or control pending deportation

- 2 (1) Where a recommendation for deportation made by a court is in force in respect of any person, and that person is neither detained in pursuance of the sentence or order of any court nor for the time being released on bail by any court having power so to release him, he shall, unless the court by which the recommendation is made otherwise directs [^{F1}or a direction is given under sub-paragraph (1A) below,] be detained pending the making of a deportation order in pursuance of the recommendation, unless the Secretary of State directs him to be released pending further consideration of his case [^{F2}or he is released on bail].-

[^{F3}(1A) Where—

- (a) a recommendation for deportation made by a court on conviction of a person is in force in respect of him; and
(b) he appeals against his conviction or against that recommendation,
the powers that the court determining the appeal may exercise include power to direct him to be released without setting aside the recommendation.]

- (2) Where notice has been given to a person in accordance with regulations under [^{F4}section 105 of the Nationality, Immigration and Asylum Act 2002 (notice of decision)] of a decision to make a deportation order against him, and he is neither detained in pursuance of the sentence or order of a court nor for the time being

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released on bail by a court having power so to release him, he may be detained under the authority of the Secretary of State pending the making of the deportation order.

- (3) Where a deportation order is in force against any person, he may be detained under the authority of the Secretary of State pending his removal or departure from the United Kingdom (and if already detained by virtue of sub-paragraph (1) or (2) above when the order is made, shall continue to be detained unless [^{F5}he is released on bail or] the Secretary of State directs otherwise).
- (4) In relation to detention under sub-paragraph (2) or (3) above, paragraphs 17 [^{F6}, 18 and 25A to 25E] of Schedule 2 to this Act shall apply as they apply in relation to detention under paragraph 16 of that Schedule.
- [^{F7}(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.]
- [^{F8}(5) A person to whom this sub-paragraph applies shall be subject to such restrictions as to residence [^{F9}, as to his employment or occupation] and as to reporting to the police [^{F10}or an immigration officer] as may from time to time be notified to him in writing by the Secretary of State.
- (6) The persons to whom sub-paragraph (5) above applies are—
- (a) a person liable to be detained under sub-paragraph (1) above, while by virtue of a direction of the Secretary of State he is not so detained; and
 - (b) a person liable to be detained under sub-paragraph (2) or (3) above, while he is not so detained.]

Textual Amendments

- F1** Words inserted by [Criminal Justice Act 1982 \(c. 48\)](#), s. 80(2), **Sch. 10 para. 1 (a)**
- F2** Words in Sch. 3 para. 2(1) inserted (10.2.2003) by 1999 c. 33, s. 54(1)(2); S.I. 2003/2, **art. 2**, Sch.
- F3** Para. 2(1A) inserted by [Criminal Justice Act 1982 \(c. 48\)](#), s. 80(2), **Sch. 10 para. 1 (b)**
- F4** Words in Sch. 3 para. 2(2) substituted (1.4.2003) by 2002 c. 41, s. 114, Sch. 7 para. 7 (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 2003/1339))
- F5** Words in Sch. 3 para. 2(3) inserted (10.2.2003) by 1999 c. 33, s. 54(1)(3); S.I. 2003/2, **art. 2**, Sch.
- F6** Words in Sch. 3 para. 2(4) substituted (14.2.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, 68; 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.)
- F7** Sch. 3 para. 2(4A) inserted (10.2.2003) by 1999 c. 33, s. 54(1)(4); S.I. 2003/2, **art. 2**, Sch.
- F8** Para. 2(5)(6) substituted for para. 2(5) by [Criminal Justice Act 1982 \(c. 48\)](#), s. 80(2), **Sch. 10 para. 1 (c)**
- F9** Words inserted by [Immigration Act 1988 \(c. 14, SIF 62\)](#), s. 10, **Sch. para. 10(2)(4)**
- F10** Words in Sch. 3 para. 2(5) inserted (1.10.1996) by 1996 c. 49, s. 12(1), **Sch. 2 para. 13**; S.I. 1996/2053, **art. 2**, **Sch. Pt. II**

Modifications etc. (not altering text)

- C1** Sch. 3 para. 2(3)(4)(6) amended (26.7.1993) by 1993 c. 23, **s. 7(4)**; S.I. 1993/1655, **art. 2**
 Sch. 3 para. 2 extended (14.12.2001) by 2001 c. 24, **s. 23(2)(b)**

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