

SCHEDULES

SCHEDULE 3

Section 12(2).

AMENDMENTS OF THE 1993 ACT

Curtailment of leave to enter or remain

- 1 (1) After subsection (1) of section 7 of the 1993 Act (curtailment of leave to enter or remain) there shall be inserted the following subsection—
- “(1A) Where the Secretary of State by notice under subsection (1) above curtails the duration of any person’s leave to enter or remain in the United Kingdom, he may also by notice in writing given to any dependant of that person curtail to the same extent the duration of that dependant’s leave so to enter or remain.”
- (2) In subsections (2), (3) and (4) of that section, for the words “subsection (1) above” there shall be substituted the words “subsection (1) or (1A) above”.

Appeals to special adjudicator

- 2 (1) In subsection (3) of section 8 of the 1993 Act (appeals to special adjudicator), the words from “but a person” to the end shall cease to have effect.
- (2) After that subsection there shall be inserted the following subsection—
- “(3A) A person may not appeal under paragraph (b) of subsection (3) above if he has had the right to appeal under paragraph (a) of that subsection, whether or not he has exercised it.”

Bail pending appeal from Immigration Appeal Tribunal

- 3 After section 9 of the 1993 Act there shall be inserted the following section—

“9A Bail pending appeal from Immigration Appeal Tribunal

- (1) Where a person (“an appellant”)—
- (a) has an appeal under Part II of the 1971 Act which is pending by reason of an appeal, or an application for leave to appeal, under section 9 above; and
 - (b) is for the time being detained under Part I of Schedule 2 to that Act (general provisions as to control on entry etc.),
- he may be released on bail in accordance with this section.
- (2) An immigration officer not below the rank of chief immigration officer, a police officer not below the rank of inspector or an adjudicator may release an appellant on his entering into a recognizance or, in Scotland, bail bond

Status: This is the original version (as it was originally enacted).

conditioned for his appearance before the appropriate appeal court at a time and place named in the recognizance or bail bond.

- (3) The Immigration Appeal Tribunal may release an appellant on his entering into a recognizance or, in Scotland, bail bond conditioned for his appearance before the appropriate appeal court at a time and place named in the recognizance or bail bond; and where—
- (a) the appeal, or the application for leave to appeal, under section 9 above is by the Secretary of State; or
 - (b) the appellant has been granted leave to appeal under that section, and has duly given notice of appeal,
- the Tribunal shall, if the appellant so requests, exercise its powers under this subsection.
- (4) Sub-paragraphs (5) and (6) of paragraph 29 (grant of bail pending appeal) of Schedule 2 to the 1971 Act shall apply for the purposes of this section as they apply for the purposes of that paragraph.
- (5) Paragraphs 30 to 33 of that Schedule shall apply as if—
- (a) any reference to paragraph 29 included a reference to this section;
 - (b) the reference in paragraph 30(2) to paragraph 29(3) or (4) included a reference to subsection (3) above; and
 - (c) any reference in paragraphs 31 to 33 to the Immigration Appeal Tribunal included a reference to the appropriate appeal court.
- (6) In this section “the appropriate appeal court” has the same meaning as in section 9 above.”

Security of tenure

- 4 In paragraph 6(1) of Schedule 1 to the 1993 Act (security of tenure)—
- (a) after the words “Part III of the Act of 1985” there shall be inserted the words “or Part II of the Act of 1987”; and
 - (b) after the words “ the Housing Act 1988” there shall be inserted the words “or the Housing (Scotland) Act 1988”.

Appeals to special adjudicator: supplementary

- 5 In paragraph 4(2) of Schedule 2 to the 1993 Act (appeals to special adjudicator: supplementary), for the word “and” immediately following paragraph (f) there shall be substituted the following paragraph—
- “(ff) section 33(4) (duration of appeals); and”.