

Status: Point in time view as at 28/06/2018.

Changes to legislation: Special Immigration Appeals Commission Act 1997 is up to date with all changes known to be in force on or before 09 August 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 1

Section 1.

THE COMMISSION

Members

- 1 (1) The Special Immigration Appeals Commission shall consist of such number of members appointed by the Lord Chancellor as he may determine.
- (2) A member of the Commission shall hold and vacate office in accordance with the terms of his appointment and shall, on ceasing to hold office, be eligible for re-appointment.
- (3) A member of the Commission may resign his office at any time by notice in writing to the Lord Chancellor.

Chairman

- 2 The Lord Chancellor shall appoint one of the members of the Commission to be its chairman.

Payments to members

- 3 (1) The Lord Chancellor may pay to the members of the Commission such remuneration and allowances as he may determine.
- (2) The Lord Chancellor may, if he thinks fit in the case of any member of the Commission pay such pension, allowance or gratuity to or in respect of the member, or such sums towards the provision of such pension, allowance or gratuity, as he may determine.
- (3) If a person ceases to be a member of the Commission and it appears to the Lord Chancellor that there are special circumstances which make it right that the person should receive compensation, he may pay to that person a sum of such amount as he may determine.

Proceedings

- 4 The Commission shall sit at such times and in such places as the Lord Chancellor may direct and may sit in two or more divisions.
- 5 The Commission shall be deemed to be duly constituted if it consists of three members of whom—
- (a) at least one holds or has held high judicial office (within the meaning of [F1Part 3 of the Constitutional Reform Act 2005) or is or has been a member of the Judicial Committee of the Privy Council], and

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[^{F2}(b) at least one is or has been [^{F3}a judge of the First-tier Tribunal, or of the Upper Tribunal, who is assigned to a chamber with responsibility for immigration and asylum matters].]

Textual Amendments

- F1** Words in Sch. 1 para. 5 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 17 para. 28](#); S.I. 2009/1604, art. 2(e)
- F2** Sch. 1 para. 5(b) substituted (4.4.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), s. 48\(3\), Sch. 2 para. 12](#); S.I. 2005/565, art. 2(d) (with arts. 3-9)
- F3** Words in Sch. 1 para. 5(b) 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. 16](#) (with Sch. 4)

6 The chairman or, in his absence, such other member of the Commission as he may nominate, shall preside at sittings of the Commission and report its decisions.

Staff

7 The Lord Chancellor may appoint such officers and servants for the Commission as he thinks fit.

Expenses

8 The Lord Chancellor shall defray the remuneration of persons appointed under paragraph 7 above and such expenses of the Commission as he thinks fit.

^{F4F4} SCHEDULE 2

Textual Amendments

- F4** [Sch. 2](#) repealed (1.4.2003) by [2002 c. 41, ss. 114\(3\), 161, 162\(1\), Sch. 7 para. 26, Sch. 9](#) (with s. 159); S.I. 2003/754, art. 2(1), [Sch. 1](#) (with arts. 3, 4, Sch. 2 para. 5)

[^{F29}SCHEDULE 3

Section 3.

BAIL: MODIFICATIONS OF SCHEDULE 10 TO THE IMMIGRATION ACT 2016

Textual Amendments

- F29** Sch. 3 substituted (15.1.2018 for specified purposes, 31.8.2021 for E.W. in so far as not already in force) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 10 para. 25](#); S.I. 2017/1241, [reg. 2\(c\)](#) (with Sch.) (as amended by S.I. 2018/31, [reg. 2](#)); S.I. 2021/939, [reg. 2\(b\)](#) (with Sch. paras. 1, 2)

1 Paragraph 1(3) (power to grant bail) has effect as if—

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- (a) for “The First-tier Tribunal” there were substituted “ The Special Immigration Appeals Commission ”, and
 - (b) for “the Tribunal” there were substituted “ the Commission ”.
- 2 Paragraph 2 (conditions of immigration bail) has effect as if—
- (a) in sub-paragraphs (1)(a), (7) and (8) for “the First-tier Tribunal” there were substituted “ the Special Immigration Appeals Commission ”, and
 - (b) in sub-paragraph (7) for “the Tribunal” there were substituted “ the Commission ”.
- 3 Paragraph 3 (exercise of power to grant immigration bail) has effect as if—
- (a) in sub-paragraphs (1), (2)(f), (3), (4), (5) and (6) for “the First-tier Tribunal” there were substituted “ the Special Immigration Appeals Commission ”, and
 - (b) in sub-paragraph (5) for “the Tribunal” there were substituted “ the Commission ”.
- 4 Paragraph 4(2)(d) (arrangements under electronic monitoring condition) has effect as if for “the First-tier Tribunal” there were substituted “ the Special Immigration Appeals Commission ”.
- 5 Paragraph 5(5) (payment of sum under financial condition) has effect as if for “the First-tier Tribunal” there were substituted “ the Special Immigration Appeals Commission ”.
- 6 Paragraph 6 (power to vary bail conditions) has effect as if—
- (a) in sub-paragraphs (3), (4), (6) and (7) for “the First-tier Tribunal” there were substituted “ the Special Immigration Appeals Commission ”,
 - (b) in sub-paragraph (5) for “The First-tier Tribunal” there were substituted “ The Special Immigration Appeals Commission, ”, and
 - (c) in sub-paragraphs (3), (4) and (6) for “the Tribunal” there were substituted “ the Commission ”.
- 7 Paragraph 7(1)(a)(ii) (removal etc of electronic monitoring condition: bail managed by Secretary of State) has effect as if—
- (a) for “the First-tier Tribunal” there were substituted “ the Special Immigration Appeals Commission ”, and
 - (b) for “the Tribunal” there were substituted “ the Commission ”.
- 8 Paragraph 8 (amendment etc of electronic monitoring condition: bail managed by First-tier Tribunal) has effect as if—
- (a) in sub-paragraphs (1)(a), (2), (3), (4) and (5) for “the First-tier Tribunal” there were substituted “ the Special Immigration Appeals Commission ”, and
 - (b) in sub-paragraph (1)(a) for “the Tribunal” there were substituted “ the Commission ”.
- 9 Paragraph 10(10) (meaning of “relevant authority”) has effect as if for “the First-tier Tribunal” in both places there were substituted “ the Special Immigration Appeals Commission ”].

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