



# Immigration and Asylum Act 1999

## 1999 CHAPTER 33

### PART III

#### BAIL

PROSPECTIVE

#### *Routine bail hearings*

**<sup>F1</sup>44** **Bail hearings for detained persons.**

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**Textual Amendments**

**F1** Ss. 44-52 repealed (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), ss. 68(6) (a), 162(1), [Sch. 9](#) (with s. 159); S.I. 2003/1, art. 2, Sch.

**<sup>F1</sup>45** **Location of bail hearings.**

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**Textual Amendments**

**F1** Ss. 44-52 repealed (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), ss. 68(6) (a), 162(1), [Sch. 9](#) (with s. 159); S.I. 2003/1, art. 2, Sch.

**<sup>F1</sup>46** **General right to be released on bail.**

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*Status: Point in time view as at 01/12/2004. This version of this part contains provisions that are prospective.*  
**Changes to legislation:** Immigration and Asylum Act 1999, Part III 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)

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**Textual Amendments**

**F1** Ss. 44-52 repealed (10.2.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 68(6) (a), 162(1), **Sch. 9** (with s. 159); S.I. 2003/1, art. 2, Sch.

**F1 47 Powers exercisable on granting bail.**

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**Textual Amendments**

**F1** Ss. 44-52 repealed (10.2.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 68(6) (a), 162(1), **Sch. 9** (with s. 159); S.I. 2003/1, art. 2, Sch.

**F1 48 Forfeiture.**

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**Textual Amendments**

**F1** Ss. 44-52 repealed (10.2.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 68(6) (a), 162(1), **Sch. 9** (with s. 159); S.I. 2003/1, art. 2, Sch.

**F1 49 Forfeiture of securities.**

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**Textual Amendments**

**F1** Ss. 44-52 repealed (10.2.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 68(6) (a), 162(1), **Sch. 9** (with s. 159); S.I. 2003/1, art. 2, Sch.

**F1 50 Power of arrest.**

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**Textual Amendments**

**F1** Ss. 44-52 repealed (10.2.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 68(6) (a), 162(1), **Sch. 9** (with s. 159); S.I. 2003/1, art. 2, Sch.

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PROSPECTIVE

*Procedure*

**<sup>F1</sup>51 Procedure.**

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**Textual Amendments**

**F1** Ss. 44-52 repealed (10.2.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 68(6)(a), 162(1), **Sch. 9** (with s. 159); S.I. 2003/1, art. 2, Sch.

**<sup>F1</sup>52 Use of live television links at bail hearings.**

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**Textual Amendments**

**F1** Ss. 44-52 repealed (10.2.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 68(6)(a), 162(1), **Sch. 9** (with s. 159); S.I. 2003/1, art. 2, Sch.

*Bail hearings under other enactments*

**53 Applications for bail in immigration cases.**

- (1) The Secretary of State may by regulations make new provision in relation to applications for bail by persons detained under the 1971 Act [<sup>F2</sup>or under section 62 of the Nationality, Immigration and Asylum Act 2002].
- (2) The regulations may confer a right to be released on bail in prescribed circumstances.
- (3) The regulations may, in particular, make provision—
  - (a) creating or transferring jurisdiction to hear an application for bail by a person detained under the 1971 Act [<sup>F3</sup>or under section 62 of the Nationality, Immigration and Asylum Act 2002];
  - (b) as to the places in which such an application may be held;
  - (c) as to the procedure to be followed on, or in connection with, such an application;
  - (d) as to circumstances in which, and conditions (including financial conditions) on which, an applicant may be released on bail;
  - (e) amending or repealing any enactment so far as it relates to such an application.
- (4) The regulations must include provision for securing that an application for bail made by a person who has brought an appeal under any provision of [<sup>F4</sup>the Nationality, Immigration and Asylum Act 2002] or the <sup>M1</sup>Special Immigration Appeals Commission Act 1997 is heard by the appellate authority hearing that appeal.

<sup>F5</sup>(5) .....

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- (6) Regulations under this section require the approval of the Lord Chancellor.
- (7) In so far as regulations under this section relate to the sheriff or the Court of Session, the Lord Chancellor must obtain the consent of the Scottish Ministers before giving his approval.

#### Textual Amendments

- F2** Words in s. 53(1) added (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), ss. [62\(13\)\(a\)](#), [162\(1\)](#) (with s. 159); S.I. 2003/1, art. 2, Sch.
- F3** Words in s. 53(3)(a) added (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), ss. [62\(13\)\(b\)](#), [162\(1\)](#) (with s. 159); S.I. 2003/1, art. 2, Sch.
- F4** Words in s. 53(4) substituted (1.4.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), s. [162\(1\)](#), [Sch. 7 para. 28](#) (with s. 159); S.I. 2003/754, art. 2(1), Sch. 1 (with arts. 3, 4, Sch. 2 para. 5)
- F5** S. 53(5) repealed (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), ss. [68\(6\)\(b\)](#), [162\(1\)](#), [Sch. 9](#) (with s. 159); S.I. 2003/1, art. 2, Sch.

#### Commencement Information

- I1** S. 53(1)-(4)(6)(7) in force at 10.2.2003 by S.I. 2003/2, art. 2, [Sch.](#)

#### Marginal Citations

- M1** 1997 c. 68.

## 54 Extension of right to apply for bail in deportation cases.

- (1) Paragraph 2 of Schedule 3 to the 1971 Act (detention or control pending deportation) is amended as follows.
- (2) In sub-paragraph (1), at the end insert “ or he is released on bail ”.
- (3) In sub-paragraph (3), after “unless” insert “ he is released on bail or ”.
- (4) After sub-paragraph (4) insert—
- “(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.”

#### Commencement Information

- I2** S. 54 in force at 10.2.2003 by S.I. 2003/2, art. 2, [Sch.](#)

PROSPECTIVE

### Grants

## <sup>F6</sup>55 Grants to voluntary organisations.

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### Textual Amendments

- F6** S. 55 repealed (10.2.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 68(6)(c), 162(1), **Sch. 9** (with s. 159); S.I. 2003/1, art. 2, Sch.

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