

## SCHEDULES

### SCHEDULE 10

#### IMMIGRATION BAIL

#### PART 1

#### MAIN PROVISIONS

##### *Transitional provision*

- 13 (1) Regulations under section 92(1) may, in particular, provide for a person to whom this sub-paragraph applies to be treated, for such purposes as may be specified, as having been granted immigration bail in such circumstances and subject to such conditions as may be specified.
- (2) Sub-paragraph (1) applies to a person who, at the specified time, was not in detention on the basis that—
- (a) the person had been temporarily admitted to the United Kingdom under paragraph 21 of Schedule 2 to the Immigration Act 1971,
  - (b) the person had been released from detention under that paragraph,
  - (c) the person was liable to be detained under paragraph 2(1) of Schedule 3 to the Immigration Act 1971 but, by virtue of a direction of the Secretary of State or the court, was not so detained,
  - (d) the person was liable to be detained under paragraph 2(2) or (3) of that Schedule but was not so detained,
  - (e) the person had been released from detention under section 36(3) of the UK Borders Act 2007, or
  - (f) the person had been released on bail from detention under any provision of the Immigration Acts.
- (3) Regulations under section 92(1) may, in particular—
- (a) make provision about the circumstances in which the power in paragraph 6(1) may or must be exercised so as to impose an electronic monitoring condition on a person to whom this sub-paragraph applies;
  - (b) enable the Secretary of State to exercise a discretion in determining whether an electronic monitoring condition should be imposed on such a person, and may, in particular, do so by providing for paragraph 7 or 8 to have effect with modifications in relation to such a person.
- (4) Sub-paragraph (3) applies to a person who—
- (a) by virtue of regulations under section 92(1) is treated as having been granted immigration bail as a result of falling within—
    - (i) sub-paragraph (2)(c), (d) or (e), or

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*Status: This is the original version (as it was originally enacted).*

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- (ii) sub-paragraph (2)(f) on the basis that the person had been released on bail from detention under paragraph 2 of Schedule 3 to the Immigration Act 1971,
  - (b) is not treated as being subject to an electronic monitoring condition, and
  - (c) is not otherwise subject to an electronic monitoring condition.
- (5) Sub-paragraph (3) applies to a person who—
  - (a) is on immigration bail pursuant to a grant before the coming into force of paragraph 2(2) and (3), or the coming into force of those provisions in relation to grants of that kind,
  - (b) before the grant of immigration bail, was detained or liable to detention under a provision mentioned in paragraph 1(1)(b) or (d), and
  - (c) is not subject to an electronic monitoring condition.
- (6) In this paragraph “specified” means specified in regulations under section 92(1).