

**Changes to legislation:** Immigration Act 2016, Paragraph 5 is up to date with all changes known to be in force on or before 20 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) View outstanding changes

## SCHEDULES

### SCHEDULE 10 **U.K.**

#### IMMIGRATION BAIL

##### Modifications etc. (not altering text)

- C1** Sch. 10 applied (with modifications) (31.1.2020) by [The Immigration \(Citizens Rights Appeals\) \(EU Exit\) Regulations 2020 \(S.I. 2020/61\)](#), reg. 1(2), Sch. 3 para. 2(1)(b)(4)
- C1** Sch. 10 modified (15.1.2018 for specified purposes, 31.8.2021 for E.W. in so far as not already in force, 31.8.2022 for S.N.I. in so far as not already in force) by [1997 c. 68, Sch. 3](#) (as substituted 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. para. 1, [2](#)); S.I. 2022/863, regs. 1(2), [2\(b\)](#))
- C1** Sch. 10 applied by [2007 c. 30, s. 36\(3A\)-\(3C\)](#) (as inserted (15.1.2018) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 10 para. 40\(4\)](#); S.I. 2017/1241, reg. 2(c) (with [Sch.](#)) (as amended by S.I. 2018/31, [reg. 2](#)))
- C2** Sch. 10 applied by [1971 c. 77, Sch. 3 para. 2\(5\)-\(7\)](#) (as substituted (15.1.2018) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 10 para. 21\(2\)\(d\)](#); S.I. 2017/1241, reg. 2(c) (with [Sch.](#)) (as amended by S.I. 2018/31, [reg. 2](#)))

### PART 1 **U.K.**

#### MAIN PROVISIONS

##### Modifications etc. (not altering text)

- C1** Sch. 10 Pt. 1 applied (with modifications) (31.12.2020) by [The Citizens' Rights \(Frontier Workers\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1213\)](#), regs. 1(2)(3), [13\(2\)](#)

#### *Financial condition*

- 5
- (1) In this Schedule a “financial condition” means a condition requiring the payment of a sum of money by the person to whom immigration bail is granted (“P”) or another person, in a case where P fails to comply with another condition to which P's immigration bail is subject.
  - (2) A financial condition may be imposed on P only if the person imposing the condition thinks that it would be appropriate to do so with a view to ensuring that P complies with the other bail conditions.
  - (3) The financial condition must specify—
    - (a) the sum of money required to be paid,
    - (b) when it is to be paid, and
    - (c) the form and manner in which it is to be paid.

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- (4) A sum to be paid under a financial condition is to be paid to the person who granted the immigration bail, subject to sub-paragraph (5).
- (5) If the First-tier Tribunal has directed that the power in paragraph 6(1) (power to vary bail conditions) is to be exercisable by the Secretary of State in relation to P, the sum is to be paid to the Secretary of State.
- (6) No sum is required to be paid under a financial condition unless the person who is liable to make a payment under it has been given an opportunity to make representations to the person to whom it is to be paid.
- (7) In England and Wales a sum payable under a financial condition is recoverable as if it were payable under an order of the county court in England and Wales.
- (8) In Scotland a sum payable under a financial condition may be enforced in the same manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.
- (9) In Northern Ireland a sum payable under a financial condition is recoverable as if it were payable under an order of a county court in Northern Ireland.
- (10) Where action is taken under this paragraph for the recovery of a sum payable under a financial condition, the requirement to pay the sum is—
  - (a) in relation to England and Wales, to be treated for the purposes of section 98 of the Courts Act 2003 (register of judgments and orders etc) as if it were a judgment entered in the county court;
  - (b) in relation to Northern Ireland, to be treated for the purposes of Article 116 of the Judgments Enforcement (Northern Ireland) Order 1981 (S.I. 1981/226 (N.I. 6)) (register of judgments) as if it were a judgment in respect of which an application has been accepted under Article 22 or 23(1) of that Order.

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**Commencement Information**

- II** Sch. 10 para. 5 in force at 15.1.2018 by [S.I. 2017/1241](#), [reg. 2\(c\)](#) (with [Sch.](#)) (as amended by [S.I. 2018/31](#), [reg. 2](#))

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2017/1241, Sch. by [S.I. 2018/31 reg. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 69(9)(d) and word inserted by [2023 c. 37 s. 21\(2\)\(b\)](#)
- Sch. 10 para. 3(2)(eza) inserted by [2023 c. 37 s. 13\(3\)\(a\)](#)
- Sch. 10 para. 3(3A)-(3C) inserted by [2023 c. 37 s. 13\(3\)\(b\)](#)
- Sch. 10 para. 3A and cross-heading inserted by [2023 c. 37 s. 13\(4\)](#)