
STATUTORY INSTRUMENTS

2017 No. 1168

The Tribunal Procedure (Amendment No. 2) Rules 2017

Amendment to Part 5 of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014

- 14.** In rule 38 (bail applications)—
- (a) omit paragraph (2)(c);
 - (b) for paragraph (2)(d), substitute—
 - “(d) payment of a sum under a financial condition; or
 - (e) a reference for consideration under paragraph 11 of Schedule 10 to the 2016 Act.”;
 - (c) in paragraph (3)—
 - (i) in the opening words for “paragraph (4)” substitute “paragraphs (4) and (4A)”;
 - (ii) for sub-paragraph (d) substitute—
 - “(d) the terms of the financial condition to which the bail party is, or is proposed to be, subject;”;
 - (iii) for sub-paragraph (f), substitute—
 - “(f) the full name, address, date of birth and any occupation of any person other than the bail party who is, or is proposed to be, subject to a financial condition.”;
 - (iv) in sub-paragraph (g) for “as a condition of bail to co-operate with electronic monitoring under section 36 of the 2004 Act” substitute “to co-operate with an electronic monitoring condition under paragraph 2 of Schedule 10 to the 2016 Act.”;
 - (d) in paragraph (4), for “forfeiture of a recognizance” substitute “payment of a sum under a financial condition”;
 - (e) after paragraph (4) insert—
 - “(4A) Where the application is a reference under paragraph 11 of Schedule 10 to the 2016 Act—
 - (a) paragraph (3) applies except for sub-paragraph (h); and
 - (b) the application must also contain—
 - (i) details of the provision or provisions under which the bail party is detained;
 - (ii) a copy of any previous Secretary of State decision on whether to grant bail; and
 - (iii) any documents relevant to (i) or (ii).”;
 - (f) for paragraph (6) substitute—
 - “(6) On receipt of a bail application, the Tribunal must record the date on which it was received and provide a copy of the application as soon as reasonably practicable to—
 - (a) the Secretary of State, the bail party and any other person subject to a financial condition, in the case of an application to vary a financial condition;

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- (b) the bail party, in the case of a reference under paragraph 11 of Schedule 10 to the 2016 Act; and
- (c) the Secretary of State, in the case of other bail applications.”.