

**EXPLANATORY MEMORANDUM TO**  
**THE IMMIGRATION ACT 2016 (CONSEQUENTIAL AMENDMENTS)**  
**(IMMIGRATION BAIL) REGULATIONS 2017**

**2017 No. 1242**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

- 2.1 Schedule 10 to the Immigration Act 2016 (“the 2016 Act”) introduces a new framework for immigration bail, replacing six different legal statuses (including immigration bail and temporary admission) with a single power of immigration bail.
- 2.2 These Regulations make the consequential amendments necessary to bring into force the immigration bail provisions set out in Schedule 10 to the 2016 Act.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

*Other matters of interest to the House of Commons*

- 3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

**4. Legislative Context**

- 4.1 Currently, there are six legal statuses relating to bail or release whilst liable to detention set out in the Immigration Act 1971 (“the 1971 Act”): temporary admission under paragraph 21 of Schedule 2; bail under paragraph 22 of Schedule 2; bail pending appeal under paragraph 29 of Schedule 2; bail pending removal under paragraph 34 of Schedule 2; bail pending deportation under paragraph 3 of Schedule 3; and release on restrictions under paragraphs 2(5) or 4 of Schedule 3.
- 4.2 When Schedule 10 to the 2016 Act is commenced, there will be a single power of immigration bail. As a result of this change, it is necessary to make consequential amendments to both primary and secondary legislation.
- 4.3 This statutory instrument makes necessary consequential amendments to secondary legislation.

**5. Extent and Territorial Application**

- 5.1 The extent of this instrument is the same as the extent as the provisions being amended.
- 5.2 The territorial application of this instrument varies as between provisions.

## **6. European Convention on Human Rights**

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

### *What is being done and why*

- 7.1 A single power of immigration bail is being introduced in order to simplify the current legal framework. The relevant provisions are set out in Schedule 10 to the Immigration Act 2016. The commencement of Schedule 10 requires a number of amendments to both primary and secondary legislation. This statutory instrument makes the necessary amendments to secondary legislation.

### *Consolidation*

- 7.2 As this instrument makes minor consequential amendments, there is no need for consolidation.

## **8. Consultation outcome**

- 8.1 A consultation was not necessary since this statutory instrument only makes minor consequential amendments to secondary legislation for the commencement of Schedule 10 to the Immigration Act 2016.

## **9. Guidance**

- 9.1 No guidance has been prepared.

## **10. Impact**

- 10.1 There is no impact on business, charities or voluntary bodies.  
10.2 There is no impact on the public sector.  
10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

- 11.1 The legislation does not apply to activities that are undertaken by small businesses.

## **12. Monitoring & review**

- 12.1 This statutory instrument is not subject to monitoring and review duties.

## **13. Contact**

- 13.1 Julia Dolby at the Home Office Telephone: 0207 035 0408 or email: [Julia.Dolby@homeoffice.gsi.gov.uk](mailto:Julia.Dolby@homeoffice.gsi.gov.uk) can answer any queries regarding the instrument.