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## SCHEDULES

### SCHEDULE 1

Section 1.

#### THE COMMISSION

##### *Members*

- 1 (1) The Special Immigration Appeals Commission shall consist of such number of members appointed by the Lord Chancellor as he may determine.
- (2) A member of the Commission shall hold and vacate office in accordance with the terms of his appointment and shall, on ceasing to hold office, be eligible for re-appointment.
- (3) A member of the Commission may resign his office at any time by notice in writing to the Lord Chancellor.

##### *Chairman*

- 2 The Lord Chancellor shall appoint one of the members of the Commission to be its chairman.

##### *Payments to members*

- 3 (1) The Lord Chancellor may pay to the members of the Commission such remuneration and allowances as he may determine.
- (2) The Lord Chancellor may, if he thinks fit in the case of any member of the Commission pay such pension, allowance or gratuity to or in respect of the member, or such sums towards the provision of such pension, allowance or gratuity, as he may determine.
- (3) If a person ceases to be a member of the Commission and it appears to the Lord Chancellor that there are special circumstances which make it right that the person should receive compensation, he may pay to that person a sum of such amount as he may determine.

##### *Proceedings*

- 4 The Commission shall sit at such times and in such places as the Lord Chancellor may direct and may sit in two or more divisions.
- 5 The Commission shall be deemed to be duly constituted if it consists of three members of whom—
- (a) at least one holds or has held high judicial office (within the meaning of [F1Part 3 of the Constitutional Reform Act 2005) or is or has been a member of the Judicial Committee of the Privy Council], and

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[<sup>F2</sup>(b) at least one is or has been [<sup>F3</sup>a judge of the First-tier Tribunal, or of the Upper Tribunal, who is assigned to a chamber with responsibility for immigration and asylum matters].]

#### Textual Amendments

- F1** Words in Sch. 1 para. 5 substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 17 para. 28**; S.I. 2009/1604, art. 2(e)
- F2** Sch. 1 para. 5(b) substituted (4.4.2005) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), s. 48(3), **Sch. 2 para. 12**; S.I. 2005/565, art. 2(d) (with arts. 3-9)
- F3** Words in Sch. 1 para. 5(b) substituted (15.2.2010) by The Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21), art. 1, **Sch. 1 para. 16** (with Sch. 4)

6 The chairman or, in his absence, such other member of the Commission as he may nominate, shall preside at sittings of the Commission and report its decisions.

#### Staff

7 The Lord Chancellor may appoint such officers and servants for the Commission as he thinks fit.

#### Expenses

8 The Lord Chancellor shall defray the remuneration of persons appointed under paragraph 7 above and such expenses of the Commission as he thinks fit.

### <sup>F4F4</sup> SCHEDULE 2

#### Textual Amendments

- F4** Sch. 2 repealed (1.4.2003) by 2002 c. 41, ss. 114(3), 161, 162(1), Sch. 7 para. 26, **Sch. 9** (with s. 159); S.I. 2003/754, art. 2(1), **Sch. 1** (with arts. 3, 4, Sch. 2 para. 5)

### [<sup>F29</sup>SCHEDULE 3

Section 3.

#### BAIL: MODIFICATIONS OF SCHEDULE 10 TO THE IMMIGRATION ACT 2016

#### Textual Amendments

- F29** Sch. 3 substituted (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 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)

1 Paragraph 1(3) (power to grant bail) has effect as if—

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- (a) for “The First-tier Tribunal” there were substituted “ The Special Immigration Appeals Commission ”, and
  - (b) for “the Tribunal” there were substituted “ the Commission ”.
- 2 Paragraph 2 (conditions of immigration bail) has effect as if—
- (a) in sub-paragraphs (1)(a), (7) and (8) for “the First-tier Tribunal” there were substituted “ the Special Immigration Appeals Commission ”, and
  - (b) in sub-paragraph (7) for “the Tribunal” there were substituted “ the Commission ”.
- 3 Paragraph 3 (exercise of power to grant immigration bail) has effect as if—
- (a) in sub-paragraphs (1), (2)(f), (3), (4), (5) and (6) for “the First-tier Tribunal” there were substituted “ the Special Immigration Appeals Commission ”, and
  - (b) in sub-paragraph (5) for “the Tribunal” there were substituted “ the Commission ”.
- 4 Paragraph 4(2)(d) (arrangements under electronic monitoring condition) has effect as if for “the First-tier Tribunal” there were substituted “ the Special Immigration Appeals Commission ”.
- 5 Paragraph 5(5) (payment of sum under financial condition) has effect as if for “the First-tier Tribunal” there were substituted “ the Special Immigration Appeals Commission ”.
- 6 Paragraph 6 (power to vary bail conditions) has effect as if—
- (a) in sub-paragraphs (3), (4), (6) and (7) for “the First-tier Tribunal” there were substituted “ the Special Immigration Appeals Commission ”,
  - (b) in sub-paragraph (5) for “The First-tier Tribunal” there were substituted “ The Special Immigration Appeals Commission, ”, and
  - (c) in sub-paragraphs (3), (4) and (6) for “the Tribunal” there were substituted “ the Commission ”.
- 7 Paragraph 7(1)(a)(ii) (removal etc of electronic monitoring condition: bail managed by Secretary of State) has effect as if—
- (a) for “the First-tier Tribunal” there were substituted “ the Special Immigration Appeals Commission ”, and
  - (b) for “the Tribunal” there were substituted “ the Commission ”.
- 8 Paragraph 8 (amendment etc of electronic monitoring condition: bail managed by First-tier Tribunal) has effect as if—
- (a) in sub-paragraphs (1)(a), (2), (3), (4) and (5) for “the First-tier Tribunal” there were substituted “ the Special Immigration Appeals Commission ”, and
  - (b) in sub-paragraph (1)(a) for “the Tribunal” there were substituted “ the Commission ”.
- 9 Paragraph 10(10) (meaning of “relevant authority”) has effect as if for “the First-tier Tribunal” in both places there were substituted “ the Special Immigration Appeals Commission ”].

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

- s. 2(1)(a) words omitted by 2014 c. 22 Sch. 9 para. 26(2)(a)
- s. 2(1)(b) words omitted by 2014 c. 22 Sch. 9 para. 26(2)(b)
- s. 2(2)(d) omitted by 2014 c. 22 Sch. 9 para. 26(2)(c)
- s. 2(2)(h) omitted by 2014 c. 22 Sch. 9 para. 26(2)(c)
- s. 2(2)(l) omitted by 2014 c. 22 Sch. 9 para. 26(2)(c)
- s. 2(3)(4) omitted by 2014 c. 22 Sch. 9 para. 26(2)(d)
- s. 2(5) words omitted by 2014 c. 22 Sch. 9 para. 26(2)(e)
- s. 2(6) omitted by 2014 c. 22 Sch. 9 para. 26(2)(f)
- s. 2B words omitted by 2014 c. 22 Sch. 9 para. 26(3)
- s. 5 extended by 1999 c. 33 s. 44(13)
- s. 5 heading word inserted by 2023 c. 37 s. 53(7)(a)
- s. 5(1)(a) words substituted by 2023 c. 37 s. 53(6)(a)
- s. 5(1)(b) words substituted by 2023 c. 37 s. 53(6)(a)
- s. 5(2) words substituted by 2023 c. 37 s. 53(6)(b)
- s. 5(9) words inserted by 2023 c. 37 s. 53(7)(b)
- s. 6A(1) words substituted by 2023 c. 37 s. 53(6)(c)
- s. 6A(2)(a) words substituted by 2023 c. 37 s. 53(6)(d)
- s. 7(1A) words substituted by 2014 c. 22 Sch. 9 para. 26(5)
- s. 9(3) modified by 2015 c. 2 s. 97(2)
- Sch. 3 para. 3(a) words inserted by 2023 c. 37 s. 13(5)

**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. 2AA2AB inserted by 2023 c. 37 s. 53(5)
- s. 5(10)-(13) inserted by 2023 c. 37 s. 53(7)(c)