



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART III

BAIL

Procedure

51 Procedure

- (1) Any rules made in connection with bail hearings resulting from any provision of, or made under, this Part must include provision requiring the Secretary of State to notify—
 - (a) the detained person who is the subject of the hearing of a reference under section 44, and
 - (b) if the Secretary of State is aware that that person will be represented at the hearing (whether or not by an authorised advocate), the person who will be representing him at the hearing,of the date, place and time of the hearing as soon as is reasonably practicable after the Secretary of State is given that information by the magistrates' court.
- (2) If a person has been refused bail—
 - (a) on a reference under section 44, or
 - (b) on an application under the 1971 Act, the Asylum and Immigration Appeals Act 1993 or the Special Immigration Appeals Commission Act 1997,he may, on the first subsequent such reference or application, advance any argument as to fact or law.
- (3) But on any subsequent such reference or application the court need not hear any argument as to fact or law that that court has heard previously.
- (4) A magistrates' court dealing with a reference under section 44 must sit in open court unless—

Status: This is the original version (as it was originally enacted).

- (a) the detained person has made a claim for asylum and the court considers that there are compelling reasons why it should sit in private; or
 - (b) the court considers that the interests of the administration of justice require it to sit in private.
- (5) Any proceedings before a magistrates' court or the sheriff under this Part may be conducted—
- (a) on behalf of the Secretary of State, by a person authorised by him, or
 - (b) on behalf of the detained person, by a person nominated by him, even though that person is not an authorised advocate.
- (6) “Authorised advocate”—
- (a) in relation to England and Wales, has the meaning given by section 119 of the Courts and Legal Services Act 1990;
 - (b) in relation to Scotland, means an advocate or solicitor;
 - (c) in relation to Northern Ireland, means a barrister or solicitor.
- (7) “Rules” means rules made by the Lord Chancellor under section 144 of the Magistrates' Courts Act 1980 or under any corresponding provision having effect in Northern Ireland.

52 Use of live television links at bail hearings

- (1) On a reference under section 44, the court may, after hearing representations from the parties, direct that the detained person is to be treated as being present in the court if he is able (whether by means of a live television link or otherwise) to see and hear the court and to be seen and heard by it.
- (2) If the detained person wishes to make representations under subsection (1) he must do so by using the facilities that will be used if the court decides to give the proposed direction.
- (3) If, after hearing representations from the parties, the court decides not to give a direction, it must give its reasons for refusing.
- (4) The court may not give a direction unless—
- (a) it has been notified by the Secretary of State that facilities are available in the relevant institution which will enable the detained person to see and hear the court and to be seen and heard by it; and
 - (b) the notice has not been withdrawn.
- (5) “Relevant institution” means the institution in which the detained person will be detained at the time of the bail hearing.