

**Changes to legislation:** Immigration Act 2014, PART 2 is up to date with all changes known to be in force on or before 10 March 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 9

#### TRANSITIONAL AND CONSEQUENTIAL PROVISION

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

- C1** Sch. 9 extended (with modifications) to Guernsey (coming into force in accordance with art. 1 of the amending S.I.) by [The Immigration \(Guernsey\) Order 2015 \(S.I. 2015/1533\)](#), arts. 1, 5, **Sch. 2** (with art. 6)
- C1** Sch. 9 extended in part (with modifications) to Jersey (coming into force in accordance with art. 1(1) of the amending S.I.) by [The Immigration \(Jersey\) Order 2015 \(S.I. 2015/1532\)](#), arts. 1(1), 2(2), **Sch. 2** (with art. 2(3))

### PART 2

#### PROVISION RELATING TO DETENTION AND BAIL

##### *Prison Act 1952 (c. 52)*

- 8 (1) Section 5A of the Prison Act 1952 (appointment and functions of Her Majesty's Chief Inspector of Prisons) is amended as follows.
- (2) In subsection (5A)—
- (a) omit “and” at the end of paragraph (b);
  - (b) after paragraph (b) insert—  
“(ba) in relation to pre-departure accommodation within the meaning of that section, and”.
- (3) In subsection (5B)—
- (a) in paragraph (a), after “facilities” insert “, accommodation”;
  - (b) in paragraph (b)(i), after “facilities” insert “, pre-departure accommodation”.

##### Commencement Information

- II** Sch. 9 para. 8 in force at 28.7.2014 by [S.I. 2014/1820](#), art. 3(cc)

##### *Immigration Act 1971 (c. 77)*

- 9 In Schedule 3 to the Immigration Act 1971 (supplementary provisions as to deportation), in paragraph 3, for “33” substitute “33A”.

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**Commencement Information**

- I2** Sch. 9 para. 9 in force at 20.10.2014 by [S.I. 2014/2771](#), **art. 2(e)** (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

*Special Immigration Appeals Commission Act 1997 (c. 68)*

- 10 (1) The Special Immigration Appeals Commission Act 1997 is amended as follows.
- (2) In section 5 (procedure in relation to SIAC's jurisdiction on appeals and bail), after subsection (5) insert—
- “(5A) Rules under this section must secure that, where the Commission has decided not to release a person on bail under paragraph 22 or 29 of Schedule 2 to the Immigration Act 1971, the Commission is required to dismiss any further application by the person for release on bail that is made during the period of 28 days starting with the date of the Commission's decision, unless there has been a material change in circumstances.”
- (3) In Schedule 3 (bail: modifications of Schedule 2 to the Immigration Act 1971), in paragraph 4, after sub-paragraph (1) insert—
- “(1A) In sub-paragraph (1) after “2002” there shall be inserted “or section 2 of the Special Immigration Appeals Commission Act 1997 or a review pending under section 2E of that Act.”

**Commencement Information**

- I3** Sch. 9 para. 10(1)(3) in force at 28.7.2014 by [S.I. 2014/1820](#), **art. 3(cc)**
- I4** Sch. 9 para. 10(2) in force at 20.10.2014 by [S.I. 2014/2771](#), **art. 2(e)** (with [arts. 9-11](#)) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928](#), art. 2 (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

*Northern Ireland Act 1998 (c. 47)*

- 11 In section 69C of the Northern Ireland Act 1998 (investigations: places of detention), in subsection (3)(g), for “or short-term holding facility” substitute “, a short-term holding facility or pre-departure accommodation”.

**Commencement Information**

- I5** Sch. 9 para. 11 in force at 28.7.2014 by [S.I. 2014/1820](#), **art. 3(cc)**

*Immigration and Asylum Act 1999 (c. 33)*

- 12 (1) The Immigration and Asylum Act 1999 is amended as follows.
- (2) In Schedule 11 (detainee custody officers)—
- (a) in the heading above paragraph 3, at the end insert “ and pre-departure accommodation ”;

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- (b) in paragraph 3—
    - (i) in sub-paragraph (1), after “facility” insert “ or in pre-departure accommodation ”;
    - (ii) in sub-paragraph (2), after “facility” (in both places) insert “ or accommodation ”;
  - (c) in paragraph 4(c), after “facility” insert “ or in pre-departure accommodation ”;
  - (d) in paragraph 5(c), after “facility” insert “ or in pre-departure accommodation ”.
- (3) In Schedule 12 (discipline etc at removal centres)—
- (a) in paragraph 4 (assisting detained persons to escape)—
    - (i) in sub-paragraph (1), for “or short-term holding facility” substitute “ , a short-term holding facility or pre-departure accommodation ”;
    - (ii) in the opening words of sub-paragraph (2), for “or short-term holding facility” substitute “ , a short-term holding facility or pre-departure accommodation ”;
    - (iii) in sub-paragraph (2)(a), for “or facility” substitute “ , facility or accommodation ”;
    - (iv) in sub-paragraph (2)(b), for “or facility” substitute “ , facility or accommodation ”;
    - (v) in sub-paragraph (2)(c), for “or facility” substitute “ , facility or accommodation ”;
  - (b) in paragraph 8 (notice of penalties)—
    - (i) in sub-paragraph (1), after “facility” insert “ or contracted out pre-departure accommodation ”;
    - (ii) in sub-paragraph (2), after “facility” insert “ or pre-departure accommodation ”.

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**Commencement Information**

**I6** Sch. 9 para. 12 in force at 28.7.2014 by [S.I. 2014/1820](#), [art. 3\(cc\)](#)

*Nationality, Immigration and Asylum Act 2002 (c. 41)*

- 13 In section 62 of the Nationality, Immigration and Asylum Act 2002 (detention by Secretary of State), in subsection (3), after paragraph (a) insert—
- “(aa) a reference in paragraph 18B of that Schedule to an immigration officer shall be read as a reference to the Secretary of State,”.

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**Commencement Information**

**I7** Sch. 9 para. 13 in force at 28.7.2014 by [S.I. 2014/1820](#), [art. 3\(cc\)](#)

*Safeguarding Vulnerable Groups Act 2006 (c. 47)*

- 14 In section 59 of the Safeguarding Vulnerable Groups Act 2006 (vulnerable adults), in subsection (7)(d), after “facility” insert “ or in pre-departure accommodation ”.

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**18** Sch. 9 para. 14 in force at 28.7.2014 by [S.I. 2014/1820](#), [art. 3\(cc\)](#)

*Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)*

- 15 In section 2 of the Corporate Manslaughter and Corporate Homicide Act 2007 (meaning of “relevant duty of care”)—
- (a) in subsection (2)(b), for “or short-term holding facility” substitute “, a short-term holding facility or in pre-departure accommodation ”;
  - (b) in subsection (7), for “and “short-term holding facility”” substitute “, “short-term holding facility” and “pre-departure accommodation””.

**Commencement Information**

**19** Sch. 9 para. 15 in force at 28.7.2014 by [S.I. 2014/1820](#), [art. 3\(cc\)](#)

*UK Borders Act 2007 (c. 30)*

- 16 In section 48 of the UK Borders Act 2007 (establishment of border and immigration inspectorate), in subsection (2A)(a), after “facilities” insert “ and in pre-departure accommodation ”.

**Commencement Information**

**110** Sch. 9 para. 16 in force at 28.7.2014 by [S.I. 2014/1820](#), [art. 3\(cc\)](#)

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

- specified provision(s) amendment to earlier commencing S.I. 2014/2771 by [S.I. 2015/371 art. 78](#)
- specified provision(s) savings for earlier commencing SI 2014/2771 by [S.I. 2014/2928 art. 2](#) (Amendment already reflected in Appended Commentary in EXTOES for 2014 SI2771.)

**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. 21(4A) inserted by [S.I. 2019/745 reg. 21\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 27(7) inserted by [S.I. 2019/745 reg. 21\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 70A(6A) inserted by [S.I. 2019/745 reg. 21\(7\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(7) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- Sch. 3 para. 8A inserted by [2016 c. 19 Sch. 12 para. 16](#)