

2017 No. 1242

IMMIGRATION

**The Immigration Act 2016 (Consequential Amendments)
(Immigration Bail) Regulations 2017**

<i>Made</i>	- - - -	<i>7th December 2017</i>
<i>Laid before Parliament</i>		<i>11th December 2017</i>
<i>Coming into force</i>	- -	<i>15th January 2018</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 92(2) and (3) of the Immigration Act 2016^(a):

Citation and commencement

1. These Regulations may be cited as the Immigration Act 2016 (Consequential Amendments) (Immigration Bail) Regulations 2017 and come into force on 15th January 2018.

Consequential amendments

2. The Schedule to these Regulations, which amends secondary legislation, has effect.

7th December 2017

Victoria Atkins
Parliamentary Under Secretary of State
Home Office

SCHEDULE

Regulation 2

Consequential Amendments

Asylum Support Regulations 2000

1. In regulation 20 of the Asylum Support Regulations 2000^(b), for paragraph (6)(d) substitute—

“(d) “reporting requirement” is a condition imposed under paragraph 2(1)(a) of Schedule 10 to the Immigration Act 2016, that is to say a condition of immigration bail requiring a person to report to the Secretary of State or such other person as may be specified.”

^(a) 2016 c. 19.

^(b) S.I. 2000/704; regulation 20 was substituted by S.I. 2005/11; there are other amendments to this instrument but none is relevant.

Immigration (Leave to Enter) Order 2001

2. In article 3 of the Immigration (Leave to Enter) Order 2001(a), for “, 9 (removal of illegal entrants and 21 (temporary admission of persons liable to detention)” substitute “and 9 (removal of illegal entrants)”.

Access to Justice (Northern Ireland) Order 2003

3. In the Access to Justice (Northern Ireland) Order 2003(b), in paragraph 2 of Schedule 2, for paragraph (ia)(i) substitute—

“(i) Schedule 10 to the Immigration Act 2016;”

Immigration and Asylum (Provision of Accommodation to Failed Asylum-Seekers) Regulations 2005

4. In regulation 2 of the Immigration and Asylum (Provision of Accommodation to Failed Asylum-Seekers) Regulations 2005(c), for the definition of “reporting requirement” substitute—

““reporting requirement” is a condition imposed under paragraph 2(1)(a) of Schedule 10 to the Immigration Act 2016, that is to say a condition of immigration bail requiring a person to report to the Secretary of State or such other person as may be specified.”

Appeals (Excluded Decisions) Order 2009

5. In article 2 of the Appeals (Excluded Decisions) Order 2009(d), for paragraph (b) substitute—

“(b) a decision under paragraphs 1, 5, 6, and 10(12) and (13) of Schedule 10 to the Immigration Act 2016.”.

Civil Legal Aid (Procedure) Regulations 2012

6.—(1) The Civil Legal Aid (Procedure) Regulations 2012(e) are amended as follows.

(2) In each of regulation 23(3A)(b)(ii) and (3B)(b)(ii), and regulation 31(8)(b)(ii) and (9)(b)(ii), for the words “temporary admission or release under paragraph 21 of Schedule 2 to that Act” substitute “immigration bail under paragraph 1 of Schedule 10 to the Immigration Act 2016”.

(3) In each of regulation 23(3A)(b) and (3B)(b) and regulation 31(8)(b) and (9)(b), for the words “leave or temporary admission or release” substitute “leave or immigration bail”.

Crime and Courts Act 2013 (Application and Modification of Certain Enactments) Order 2014

7. In Schedule 2 to the Crime and Courts Act 2013 (Application and Modification of Certain Enactments) Order 2014(f), in paragraph 7, omit sub-paragraph (b).

Immigration (European Economic Area) Regulations 2016

8.—(1) The Immigration (European Economic Area) Regulations 2016(g) are amended as follows.

(2) In regulation 2, after the definition of “the 2006 Regulations”, insert—

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- (a) S.I. 2001/2590.
 - (b) S.I. 2003/435 (N.I. 10), as amended by section 86(6) of the Justice Act (Northern Ireland) 2011 (c. 24); there are other amendments to this instrument but none is relevant.
 - (c) S.I. 2005/930.
 - (d) S.I. 2009/275; article 2 was substituted by S.I. 2010/41.
 - (e) S.I. 2012/3098; paragraphs (3A) and (3B) of regulation 23 were inserted, and paragraphs (8) and (9) of regulation 31 were substituted, by S.I. 2015/1416.
 - (f) S.I. 2014/1704.
 - (g) S.I. 2016/1052.

““the 2016 Act” means the Immigration Act 2016;”.

(3) In regulation 29—

- (a) in paragraph (2), for the words “, 16 to 18A and 21 to 24”, substitute “and 16 to 18A”; and
- (b) for paragraph (3) substitute—

“(3) For so long as a person to whom this regulation applies is detained under the powers conferred by Schedule 2 to the 1971 Act, or granted bail under Schedule 10 to the 2016 Act whilst liable to be detained under the powers conferred by Schedule 2 to the 1971 Act, the person is deemed not to have been admitted to the United Kingdom.”.

(4) In regulation 30, in paragraph (2)—

- (a) for the words “16 to 19 and 21 to 24” substitute “and 16 to 19”; and
- (b) after the words “Schedule 2 to the 1971 Act”, insert “(and the provisions of Schedule 10 to the 2016 Act apply accordingly)”.

(5) In regulation 40—

- (a) at the end of paragraph (4) insert “and the provisions of Schedule 10 to the 2016 Act apply accordingly”; and
- (b) omit paragraph (7).

(6) In regulation 41—

- (a) in paragraph (2), omit the words “(within the meaning of paragraphs 21 to 24 of Schedule 2 to the 1971 Act, as applied by this regulation)”;
- (b) in paragraph (6)—
 - (i) for the words “16 to 18A and 21 to 24” substitute “and 16 to 18A”; and
 - (ii) at the end of that paragraph insert “and the provisions of Schedule 10 to the 2016 Act apply accordingly”;
- (c) after paragraph (8) insert—

“(9) For the purposes of this regulation, a person (“P”) is temporarily admitted to the United Kingdom if P is admitted on bail under Schedule 10 to the 2016 Act without having otherwise been admitted, and the expression temporary admission is to be construed accordingly.”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make minor amendments to secondary legislation which are consequential upon the coming into force of the immigration bail provisions set out in Schedule 10 to the Immigration Act 2016.

Schedule 10 introduces a new framework for immigration bail, replacing a legal framework containing six different legal statuses (including immigration bail and temporary admission) with a single power of immigration bail.

Regulation 2 gives effect to the Schedule to these Regulations. The Schedule sets out a number of minor and technical amendments to secondary legislation.

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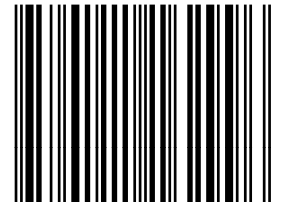
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