
STATUTORY INSTRUMENTS

2017 No. 1317

**The Immigration Act 2016 (Consequential Amendments)
(Licensing of Booking Offices: Scotland) Regulations 2017**

**Amendments to the Civic Government (Scotland) Act 1982 (Licensing of Booking Offices)
Order 2009**

5. After Article 3 (application of Part I of the Act) insert—

“3A. Booking office licences for persons subject to immigration control

(1) This article applies to a licence for the activity designated by article 2.

(2) A licensing authority shall not grant a licence to a person, or renew a person’s licence in respect of the activity designated by article 2 unless the authority is satisfied that the person is not disqualified by reason of the person’s immigration status from holding a booking office licence.

(3) For the purposes of paragraph (2) a person is disqualified by reason of the person’s immigration status from holding a booking office licence if the person is subject to immigration control and—

- (a) the person has not been granted leave to enter or remain in the United Kingdom, or
- (b) the person’s leave to enter or remain in the United Kingdom—
 - (i) is invalid,
 - (ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or
 - (iii) is subject to a condition preventing the person from holding a booking office licence.

(4) In determining for the purposes of paragraph (2) whether a person is disqualified by reason of the person’s immigration status from holding a booking office licence, a licensing authority must have regard to any guidance issued by the Secretary of State.

(5) Where a person is on immigration bail within the meaning of Part 1 of Schedule 10 to the Immigration Act 2016—

- (a) the person is to be treated for the purposes of this section as if the person had been granted leave to enter the United Kingdom, but
- (b) any condition as to the person’s work in the United Kingdom to which the person’s immigration bail is subject is to be treated for those purposes as a condition of leave.

(6) For the purposes of this article a person is subject to immigration control if under the Immigration Act 1971 the person requires leave to enter or remain in the United Kingdom.”.