



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART V

IMMIGRATION ADVISERS AND IMMIGRATION SERVICE PROVIDERS

The general prohibition

86 Designated professional bodies.

- (1) “Designated professional body” means—
- ^{F1}(a)
 - (b) The Law Society of Scotland;
 - (c) The Law Society of Northern Ireland;
 - ^{F1}(d)
 - ^{F1}(e)
 - (f) The Faculty of Advocates; or
 - (g) The General Council of the Bar of Northern Ireland.
- [^{F2}(2) The Secretary of State may by order remove a body from the list in subsection (1) if he considers that the body—
- (a) has failed to provide effective regulation of its members in their provision of immigration advice or immigration services, or
 - (b) has failed to comply with a request of the Commissioner for the provision of information (whether general or in relation to a particular case or matter).]

(3) If a designated professional body asks the Secretary of State to amend subsection (1) so as to remove its name, the Secretary of State may by order do so.

(4) If the Secretary of State is proposing to act under subsection (2) he must, before doing so—

 - (a) consult the Commissioner;
 - ^{F3}(b)

Status: Point in time view as at 31/12/2011. This version of this provision has been superseded.

Changes to legislation: Immigration and Asylum Act 1999, Section 86 is up to date with all changes known to be in force on or before 12 June 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)

- (c) consult the [^{F4}Scottish Legal Complaints Commission], if the proposed order would affect a designated professional body in Scotland;
 - (d) consult the lay observers appointed under Article 42 of the ^{M1}Solicitors (Northern Ireland) Order 1976, if the proposed order would affect a designated professional body in Northern Ireland;
 - (e) notify the body concerned of his proposal and give it a reasonable period within which to make representations; and
 - (f) consider any representations so made.
- (5) An order under subsection (2) requires the approval of—
- (a) the Lord Chancellor, if it affects a designated professional body in ^{F5}... Northern Ireland;
 - (b) the Scottish Ministers, if it affects a designated professional body in Scotland.
- (6) Before deciding whether or not to give his approval under subsection (5)(a), the Lord Chancellor must consult—
- ^{F6}(a)
 - (b) the Lord Chief Justice of Northern Ireland, if [^{F7}the order] affects a designated professional body in Northern Ireland.
- (7) Before deciding whether or not to give their approval under subsection (5)(b), the Scottish Ministers must consult the Lord President of the Court of Session.
- (8) If the Secretary of State considers that a body [^{F8}(other than a body in England and Wales)] which—
- (a) is concerned (whether wholly or in part) with regulating the legal profession, or a branch of it, in an EEA State,
 - (b) is not a designated professional body, and
 - (c) is capable of providing effective regulation of its members in their provision of immigration advice or immigration services,
- ought to be designated, he may by order amend subsection (1) to include the name of that body.
- (9) The Commissioner must—
- (a) keep under review the list of designated professional bodies set out in subsection (1); and
 - [^{F9}(b) report to the Secretary of State if the Commissioner considers that a designated professional body—
 - (i) is failing to provide effective regulation of its members in their provision of immigration advice or immigration services, or
 - (ii) has failed to comply with a request of the Commissioner for the provision of information (whether general or in relation to a particular case or matter).]
- [^{F10}(9A) A designated professional body shall comply with a request of the Commissioner for the provision of information (whether general or in relation to a specified case or matter).]
- (10) For the purpose of meeting the costs incurred by the Commissioner in discharging his functions under this Part, each designated professional body must pay to the Commissioner, in each year and on such date as may be specified, such fee as may be specified.

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(11) Any unpaid fee for which a designated professional body is liable under subsection (10) may be recovered from that body as a debt due to the Commissioner.

(12) “Specified” means specified by an order made by the Secretary of State.

Textual Amendments

- F1** S. 86(1)(a)(d)(e) repealed (1.1.2010) by Legal Services Act 2007 (c. 29), s. 211(2), Sch. 18 para. 13(2), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(i)(xi)
- F2** S. 86(2) substituted (1.10.2004) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), **ss. 41(2)**, 48(3); S.I. 2004/2523, art. 2, Sch.
- F3** S. 86(4)(b) repealed (31.12.2011) by Legal Services Act 2007 (c. 29), s. 211(2), Sch. 18 para. 13(2), **Sch. 23** (with ss. 29, 192, 193); S.I. 2010/2089, art. 4(b)(vi)
- F4** Words in s. 86(4)(c) substituted (1.10.2008) by Legal Services Act 2007 (c. 29), **ss. 196(2)(a)**, 211(2) (with ss. 29, 192, 193); S.I. 2008/1436, art. 3(a)
- F5** Words in s. 86(5)(a) repealed (1.1.2010) by Legal Services Act 2007 (c. 29), s. 211(2), Sch. 18 para. 13(3), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(i)(xi)
- F6** S. 86(6)(a) repealed (1.1.2010) by Legal Services Act 2007 (c. 29), s. 211(2), Sch. 18 para. 13(4)(a), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(i)(xi)
- F7** Words in s. 86(6)(b) substituted (1.4.2011) by Legal Services Act 2007 (c. 29), s. 211(2), **Sch. 18 para. 13(4)(b)** (with ss. 29, 192, 193); S.I. 2011/720, art. 2(c)
- F8** Words in s. 86(8) inserted (1.4.2011) by Legal Services Act 2007 (c. 29), s. 211(2), **Sch. 18 para. 13(5)** (with ss. 29, 192, 193); S.I. 2011/720, art. 2(c)
- F9** S. 86(9)(b) substituted (1.10.2004) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), **ss. 41(3)**, 48(3); S.I. 2004/2523, art. 2, Sch.
- F10** S. 86(9A) inserted (1.10.2004) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), **ss. 41(4)**, 48(3); S.I. 2004/2523, art. 2, Sch.

Commencement Information

- I1** S. 86 wholly in force at 30.4.2001; s. 86 not in force at Royal Assent see s. 170(4); s. 86(1)-(9) in force at 22.5.2000 by S.I. 2000/1282, art. 2, **Sch.**; s. 86(10)-(12) in force for certain purposes at 30.10.2000 by S.I. 2000/1985, art. 2, **Sch.** (with transitional provisions in art. 3); S. 86 in force so far as not already in force at 30.4.2001 by S.I. 2001/1394, art. 2, **Sch.**

Marginal Citations

- M1** S.I. 1976/582 (N.I. 12).

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