



# Nationality, Immigration and Asylum Act 2002

## 2002 CHAPTER 41

### PART 6 **U.K.**

#### IMMIGRATION PROCEDURE

##### *Disclosure of information by private person*

#### 134 **Employer** **U.K.**

- (1) The Secretary of State may require an employer to supply information about an employee whom the Secretary of State reasonably suspects of having committed an offence under—
  - (a) section [F124(A1), (B1), (C1), (D1), (E1) or (1)(b), (c)] or (f), 24A(1) or 26(1) (c) or (d) of the Immigration Act 1971 (c. 77) (illegal entry, deception, &c.),
  - (b) section 105(1)(a), (b) or (c) of the Immigration and Asylum Act 1999 (c. 33) (support for asylum-seeker: fraud), or
  - (c) section 106(1)(a), (b) or (c) of that Act (support for asylum-seeker: fraud).
- (2) The power under subsection (1) may be exercised to require information about an employee only if the information—
  - (a) is required for the purpose of establishing where the employee is, or
  - (b) relates to the employee's earnings or to the history of his employment.
- (3) In this section a reference to an employer or employee—
  - (a) includes a reference to a former employer or employee, and
  - (b) shall be construed in accordance with section 8(8) of the Asylum and Immigration Act 1996 (c. 49) (restrictions on employment).
- (4) Where—
  - (a) a business (the “employment agency”) arranges for one person (the “worker”) to provide services to another (the “client”), and

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(b) the worker is not employed by the employment agency or the client, this section shall apply as if the employment agency were the worker’s employer while he provides services to the client.

#### Textual Amendments

**F1** Words in s. 134(1)(a) inserted (28.6.2022 for specified purposes) by [Nationality and Borders Act 2022 \(c. 36\)](#), [ss. 40\(8\)\(b\)](#), [87\(1\)](#); S.I. 2022/590, [reg. 2](#), [Sch. 1 para. 20](#) (with [Sch. 2 para. 7](#))

### 135 Financial institution **U.K.**

- (1) The Secretary of State may require a financial institution to supply information about a person if the Secretary of State reasonably suspects that—
- the person has committed an offence under section 105(1)(a), (b) or (c) or 106(1)(a), (b) or (c) of the Immigration and Asylum Act 1999 (c. 33) (support for asylum-seeker: fraud),
  - the information is relevant to the offence, and
  - the institution has the information.
- (2) In this section “financial institution” means—
- a person who has permission under [<sup>F2</sup>Part 4A] of the Financial Services and Markets Act 2000 (c. 8) to accept deposits, and
  - a building society (within the meaning given by the Building Societies Act 1986 (c. 53)).

#### Textual Amendments

**F2** Words in s. 135(2)(a) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), s. 122(3), [Sch. 18 para. 96](#) (with [Sch. 20](#)); S.I. 2013/423, [art. 3](#), [Sch.](#)

### 136 Notice **U.K.**

- (1) A requirement to provide information under section 134 or 135 must be imposed by notice in writing specifying—
- the information,
  - the manner in which it is to be provided, and
  - the period of time within which it is to be provided.
- (2) A period of time specified in a notice under subsection (1)(c)—
- must begin with the date of receipt of the notice, and
  - must not be less than ten working days.
- (3) A person on whom a notice is served under subsection (1) must provide the Secretary of State with the information specified in the notice.
- (4) Information provided under subsection (3) must be provided—
- in the manner specified under subsection (1)(b), and
  - within the time specified under subsection (1)(c).
- (5) In this section “working day” means a day which is not—

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- (a) Saturday,
- (b) Sunday,
- (c) Christmas Day,
- (d) Good Friday, or
- (e) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 (c. 80) in any part of the United Kingdom.

**137 Disclosure of information: offences** **U.K.**

- (1) A person commits an offence if without reasonable excuse he fails to comply with section 136(3).
- (2) A person who is guilty of an offence under subsection (1) shall be liable on summary conviction to—
  - (a) imprisonment for a term not exceeding three months,
  - (b) a fine not exceeding level 5 on the standard scale, or
  - (c) both.

**138 Offence by body** **U.K.**

- (1) Subsection (2) applies where an offence under section 137 is committed by a body corporate and it is proved that the offence—
  - (a) was committed with the consent or connivance of an officer of the body, or
  - (b) was attributable to neglect on the part of an officer of the body.
- (2) The officer, as well as the body, shall be guilty of the offence.
- (3) In this section a reference to an officer of a body corporate includes a reference to—
  - (a) a director, manager or secretary,
  - (b) a person purporting to act as a director, manager or secretary, and
  - (c) if the affairs of the body are managed by its members, a member.
- (4) Where an offence under section 137 is committed by a partnership (other than a limited partnership), each partner shall be guilty of the offence.
- (5) Subsection (1) shall have effect in relation to a limited partnership as if—
  - (a) a reference to a body corporate were a reference to a limited partnership, and
  - (b) a reference to an officer of the body were a reference to a partner.

**139 Privilege against self-incrimination** **U.K.**

- (1) Information provided by a person pursuant to a requirement under section 134 or 135 shall not be admissible in evidence in criminal proceedings against that person.
- (2) This section shall not apply to proceedings for an offence under section 137.

**Changes to legislation:**

Nationality, Immigration and Asylum Act 2002, Cross Heading: Disclosure of information by private person is up to date with all changes known to be in force on or before 21 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.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- [Blanket amendment words substituted by S.I. 2011/1043 art. 34](#)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- [s. 18\(1\)\(1A\) substituted for s. 18\(1\) by 2016 c. 19 Sch. 11 para. 31\(2\)](#)
- [s. 22A inserted by 2022 c. 36 s. 13\(7\)](#)
- [s. 27\(ba\) inserted by 2022 c. 36 s. 13\(10\)](#)
- [s. 51\(2\)\(d\) and word inserted by 2016 c. 19 Sch. 11 para. 26\(6\)](#)
- [s. 55\(2\)\(aa\) inserted by 2016 c. 19 Sch. 11 para. 26\(7\)](#)
- [s. 62\(3A\) inserted by 2023 c. 37 s. 11\(8\)](#)
- [s. 80A\(5A\) inserted by 2023 c. 37 s. 10\(8\)](#)
- [s. 82A inserted by 2022 c. 36 s. 23\(1\)](#)
- [s. 94\(6B\) inserted by 2006 c. 13 s. 13](#)
- [s. 106\(2\)\(ua\) inserted by 2007 c. 30 s. 19\(3\)](#)
- [s. 107\(2A\) inserted by 2022 c. 36 Sch. 3 para. 5\(a\)](#)
- [s. 126\(2A\) inserted by S.I. 2019/745 reg. 12\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). [Reg. 12\(2\)\(3\)](#) omitted immediately before IP completion day by virtue of [S.I. 2020/1309](#), [regs. 1\(2\)\(a\)](#), 48)
- [Sch. 3 para. 1\(1\)\(ga\) inserted by 2016 c. 19 Sch. 12 para. 2\(2\)](#) (This Act is amended by [S.I. 2020/1309](#), [Sch. 1 para. 3\(a\)](#))
- [Sch. 3 para. 1\(2A\) inserted by 2016 c. 19 Sch. 12 para. 2\(4\)](#) (This Act is amended by [S.I. 2020/1309](#), [Sch. 1 para. 3\(b\)](#))
- [Sch. 3 para. 1A inserted by 2016 c. 19 Sch. 12 para. 3](#)
- [Sch. 3 para. 2\(1\)\(ca\) inserted by 2016 c. 19 Sch. 12 para. 4\(3\)](#)
- [Sch. 3 para. 2A inserted by 2016 c. 19 Sch. 12 para. 5](#)
- [Sch. 3 para. 3A-3C inserted by 2016 c. 19 Sch. 12 para. 6](#)
- [Sch. 3 para. 7B7C and cross-headings inserted by 2016 c. 19 Sch. 12 para. 9](#)
- [Sch. 3 para. 10A10B inserted by 2016 c. 19 Sch. 12 para. 10](#) (This Act is amended by [S.I. 2020/1309](#), [Sch. 1 para. 3\(c\)](#))
- [Sch. 3 para. 15\(aa\) inserted by 2016 c. 19 Sch. 12 para. 14\(2\)](#)
- [Sch. 3 para. 15\(d\)-\(f\) inserted by 2016 c. 19 Sch. 12 para. 14\(4\)](#)
- [Sch. 3 para. 7C\(1\)\(c\) word substituted by S.I. 2019/745 reg. 12\(5\)\(d\)](#) (This amendment not applied to [legislation.gov.uk](#). [Reg. 12\(5\)\(a\)\(c\)\(d\)](#) omitted immediately before IP completion day by virtue of [S.I. 2020/1309](#), [regs. 1\(2\)\(a\)](#), 48)
- [Sch. 5 para. 3\(1\) Sch. 5 para. 3 renumbered as Sch. 5 para. 3\(1\) by 2005 c. 4 Sch. 4 para. 407\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). The "original amending provision" is already fully in force, see [Sch. 4 paras. 361, 407\(5\)](#))
- [Sch. 5 para. 3\(2\)-\(4\) inserted by 2005 c. 4 Sch. 4 para. 407\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). The "original amending provision" is already fully in force, see [Sch. 4 paras. 361, 407\(5\)](#))
- [Sch. 5 para. 3\(1\) words inserted by 2005 c. 4 Sch. 4 para. 407\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). The "original amending provision" is already fully in force, see [Sch. 4 paras. 361, 407\(5\)](#))