



# Immigration Act 2014

## 2014 CHAPTER 22

### PART 3

#### ACCESS TO SERVICES ETC

### CHAPTER 2

#### OTHER SERVICES ETC

#### *Bank accounts*

#### **40 Prohibition on opening current accounts for disqualified persons**

- (1) A bank or building society (B) must not open a current account for a person (P) who is within subsection (2) unless—
  - (a) B has carried out a status check which indicates that P is not a disqualified person, or
  - (b) at the time when the account is opened B is unable, because of circumstances that cannot reasonably be regarded as within its control, to carry out a status check in relation to P.
- (2) A person is within this subsection if he or she—
  - (a) is in the United Kingdom, and
  - (b) requires leave to enter or remain in the United Kingdom but does not have it.
- (3) For the purposes of this section—
  - (a) carrying out a “status check” in relation to P means checking with a specified anti-fraud organisation or a specified data-matching authority whether, according to information supplied to that organisation or authority by the Secretary of State, P is a disqualified person;

*Status: Point in time view as at 31/12/2014.*

*Changes to legislation: Immigration Act 2014, Section 40 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)*

- (b) a “disqualified person” is a person within subsection (2) for whom the Secretary of State considers that a current account should not be opened by a bank or building society;
  - (c) opening an account for P includes—
    - (i) opening a joint account for P and others;
    - (ii) opening an account in relation to which P is a signatory or is identified as a beneficiary;
    - (iii) adding P as an account holder or as a signatory or identified beneficiary in relation to an account.
- (4) In subsection (3)(a)—
- “anti-fraud organisation” has the same meaning as in section 68 of the Serious Crime Act 2007;
  - “data-matching authority” means a person or body conducting data matching exercises, within the meaning of Schedule 9 to the Local Audit and Accountability Act 2014, under or by virtue of that or any other Act;
  - “specified” means specified by an order made by the Secretary of State for the purposes of this section.
- (5) Subsection (1)(b) does not apply where—
- (a) a bank or building society is required to pay a reasonable fee for carrying out status checks, and
  - (b) its inability to carry out a status check is due to its failure to pay the fee.
- (6) A bank or building society that refuses to open a current account for someone on the ground that he or she is a disqualified person must tell the person, if it may lawfully do so, that that is the reason for its refusal.
- [<sup>F1</sup>(7) The prohibition in subsection (1) does not apply in the case of an account to be operated (or an account that is operated) by or for a person or body of a description specified in an order made by the Treasury.]

#### **Textual Amendments**

**F1** S. 40(7) inserted (12.12.2014) by [The Immigration Act 2014 \(Bank Accounts\) \(Amendment\) Order 2014 \(S.I. 2014/3074\)](#), arts. 1, 2

#### **Commencement Information**

**I1** S. 40 in force at 12.12.2014 by [S.I. 2014/1943](#), art. 2

**Status:**

Point in time view as at 31/12/2014.

**Changes to legislation:**

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