



Immigration Act 2014

2014 CHAPTER 22

PART 3

ACCESS TO SERVICES ETC

CHAPTER 2

OTHER SERVICES ETC

Bank accounts

[^{F1}40G Closure of accounts not subject to freezing order

- (1) This section applies where—
 - (a) a bank or building society makes a notification under section 40B(2) in relation to a person,
 - (b) the person is determined by the Secretary of State (following a check under section 40C(1)) to be a disqualified person, and
 - (c) the bank or building society receives a notification under section 40C(3) or 40D(7) in relation to the disqualified person.
- (2) Where this section applies the bank or building society must as soon as reasonably practicable close each account held with it that—
 - (a) in the case of a notification under section 40C(3), is operated by or for the disqualified person and is not the subject of an application for a freezing order;
 - (b) in the case of a notification under section 40D(7), is operated by or for the disqualified person and in respect of which a freezing order is not in force.
- (3) The bank or building society may delay closing an account which it would otherwise be required to close under subsection (2) if at the time at which it would otherwise be required to close it—
 - (a) the account is overdrawn, or

Status: Point in time view as at 30/10/2017.

Changes to legislation: Immigration Act 2014, Section 40G is up to date with all changes known to be in force on or before 04 July 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) where the account is operated by or for the disqualified person and one or more bodies or other persons, the bank or building society considers that closing the account would significantly adversely affect the interests of any of those other bodies or persons.
- (4) Where subsection (3) applies, closure of the account may be delayed for such period as is reasonable (but not indefinitely).
- (5) If an account falling within subsection (2) is operated by or for the disqualified person and one or more bodies or other persons, the bank or building society is to be treated as having complied with that subsection in relation to that account if, as soon as reasonably practicable, it takes all such steps as are necessary to prevent the account from being operated by or for the disqualified person (instead of closing the account).
- (6) Where the bank or building society closes an account in compliance with this section, it must tell each person or body by or for whom the account is operated, if it may lawfully do so, why it has closed the account.
- (7) Where the bank or building society prevents an account from being operated by or for the disqualified person by virtue of subsection (5), it must tell each person or body by or for whom the account is operated, if it may lawfully do so, why it has prevented the account from being operated by or for the disqualified person.
- (8) The bank or building society must provide the Secretary of State with information about the steps that it has taken to comply with this section.
- (9) Information provided under subsection (8) must be provided in the prescribed form and manner and at the prescribed times or with the prescribed frequency.
- (10) In subsection (9) “prescribed” means prescribed in regulations made by the Treasury.]

Textual Amendments

- F1** Ss. 40A-40H inserted (1.11.2016 for specified purposes, 30.10.2017 in so far as not already in force) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 7 para. 2**; S.I. 2016/1037, reg. 2(d); S.I. 2017/929, reg. 2(b)

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