



Immigration Act 2016

CHAPTER 19

IMMIGRATION ACT 2016

PART 1

LABOUR MARKET AND ILLEGAL WORKING

CHAPTER 1

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Status: This is the original version (as it was originally enacted).

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Status: This is the original version (as it was originally enacted).

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 - Other

- SCHEDULE 2 — Functions in relation to labour market

- 1 Employment Agencies Act 1973 (c. 35)
- 2 Before section 9 insert— Appointment of officers (1) The Secretary of State may— (a) appoint officers to...
- 3 (1) Section 9 (inspection) is amended as follows.
- 4 National Minimum Wage Act 1998 (c. 39)
- 5 In section 13 (appointment of officers for enforcement)—
- 6 In section 14 (powers of officers) before subsection (1) insert—...
- 7 In section 15 (information obtained by officers)—
- 8 Modern Slavery Act 2015 (c.30)
- 9 Before section 12 (but after the italic heading before it)...
- 10 (1) Section 15 (slavery and trafficking prevention orders on application)...
- 11 In section 19(7) (requirement to provide name and address)—
- 12 (1) Section 20 (variation, renewal and discharge) is amended as...
- 13 (1) Section 23 (slavery and trafficking risk orders) is amended...
- 14 In section 26(7) (requirement to provide name and address)—
- 15 (1) Section 27 (variation, renewal and discharge) is amended as...
- 16 After section 30 (offences) insert— Enforcement by Gangmasters and Labour...
- 17 In section 33 (guidance), in subsection (1) for “and the...

- SCHEDULE 3 — Consequential and related amendments

- 1 Public Records Act 1958 (c. 51)
- 2 Parliamentary Commissioner Act 1967 (c. 13)
- 3 Superannuation Act 1972 (c. 11)
- 4 Employment Agencies Act 1973 (c. 35)
- 5 House of Commons Disqualification Act 1975 (c. 24)
- 6 Northern Ireland Assembly Disqualification Act 1975 (c. 25)
- 7 National Minimum Wage Act 1998 (c. 39)
- 8 Regulation of Investigatory Powers Act 2000 (c. 23)
- 9 Freedom of Information Act 2000 (c. 36)
- 10 Police Reform Act 2002 (c. 30)

Status: This is the original version (as it was originally enacted).

- 11 In section 10 (general functions of the Independent Police Complaints...
- 12 After section 26C insert— Labour abuse prevention officers (1) The Secretary of State may make regulations conferring functions...
- 13 Gangmasters (Licensing) Act 2004 (c. 11)
- 14 In the italic heading before section 1, for “Gangmasters Licensing...
- 15 In section 1 (Gangmasters Licensing Authority)— (a) in the heading,...
- 16 In section 2 (directions etc by the Secretary of State),...
- 17 In section 3 (work to which Act applies)—
- 18 In section 8 (general power of Authority to make rules)—...
- 19 In section 14 (offences: supplementary provisions) after subsection (2) insert—...
- 20 In section 15 (enforcement and compliance officers) after subsection (6)...
- 21 In section 16 (powers of officers) before subsection (1) insert—...
- 22 In section 17 (entry by warrant) before subsection (1) insert—...
- 23 (1) Section 19 (information relating to gangmasters) is amended as...
- 24 (1) Schedule 2 (application of Act to Northern Ireland) is...
- 25 Pensions Act 2004 (c. 35)
- 26 Natural Environment and Rural Communities Act 2006 (c. 16)
- 27 Regulatory Enforcement and Sanctions Act 2008 (c. 13)
- 28 Modern Slavery Act 2015 (c. 30)
- 29 In section 52 (duty to notify Secretary of State about...
- 30 At the beginning of Part 7, after the italic heading...
- 31 Omit section 55 (review of Gangmasters Licensing Authority).
- 32 In section 58 (regulations), in subsection (4), after paragraph (j)...
- 33 In section 60 (extent)— (a) in subsection (1), after “section...
- 34 In Schedule 3 (public authorities under duty to co-operate with...
- 35 After Schedule 4 insert— SCHEDULE 4A Information gateways: specified persons...
- 36 Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2) (N.I.)

SCHEDULE 4 — Licensing Act 2003: amendments relating to illegal working

PART 1 — ENTITLEMENT TO WORK IN THE UNITED KINGDOM

- 1 After section 192 of the Licensing Act 2003 insert— Entitlement...

PART 2 — PREMISES LICENCES

- 2 Part 3 of the Licensing Act 2003 (premises licences) is...
- 3 In section 13(4) (meaning of “responsible authority”), after paragraph (h)...
- 4 (1) Section 16 (applicant for premises licence) is amended as...
- 5 In section 27 (death, incapacity, insolvency etc of licence holder),...
- 6 (1) Section 42 (application for transfer of premises licence) is...
- 7 (1) Section 44(5) (determination of transfer application) is amended as...
- 8 (1) Section 45 (notification of determination under section 44) is...
- 9 (1) Section 47 (interim authority notice following death etc of...
- 10 (1) Section 48 (cancellation of interim authority notice following police...
- 11 In section 50 (reinstatement of licence on transfer following death...

PART 3 — PERSONAL LICENCES

- 12 Part 6 of the Licensing Act 2003 (personal licences) is...
- 13 (1) Section 113 (meaning of “relevant offence” and “foreign offence”)...
- 14 (1) Section 115 (period of validity of personal licence) is...
- 15 (1) Section 120 (determination of application for grant) is amended...

- 16 (1) Section 122 (notification of determinations) is amended as follows....
- 17 (1) Section 123 (duty to notify licensing authority of convictions...
- 18 (1) Section 124 (convictions coming to light after grant) is...
- 19 (1) Section 125(3) (form of personal licence) is amended as...
- 20 (1) Section 132 (licence holder's duty to notify licensing authority...
- 21 In Schedule 4 (personal licence: relevant offences), after paragraph 7...
PART 4 — RIGHTS OF ENTRY
- 22 (1) Section 179 of the Licensing Act 2003 (rights of...
PART 5 — APPEALS
- 23 Schedule 5 to the Licensing Act 2003 (appeals) is amended...
- 24 (1) Paragraph 6 (transfer of licence) is amended as follows...
- 25 (1) Paragraph 7 (interim authority notice) is amended as follows....
- 26 In paragraph 9 (general provision about appeals under Part 1...
- 27 (1) Paragraph 17 (personal licences) is amended as follows.
- 28 At the end insert— PART 4 Questions about leave to...
PART 6 — GENERAL
- 29 In section 10 of the Licensing Act 2003, (sub-delegation of...
- 30 (1) Section 193 of the Licensing Act 2003 (other definitions)...
- 31 In section 194 of the Licensing Act 2003 (index of...
- 32 In the Police Reform and Social Responsibility Act 2011, omit...
PART 7 — TRANSITIONAL PROVISION
- 33 The amendments of sections 13, 16, 42, 47 and 120...
- 34 The amendment of section 27 of the Licensing Act 2003...
- 35 The amendments of section 115 of the Licensing Act 2003...
- 36 The amendment of Schedule 4 to the Licensing Act 2003...

SCHEDULE 5 — Private hire vehicles etc

- 1 London Hackney Carriages Act 1843 (c. 86)
- 2 Metropolitan Public Carriage Act 1869 (c. 115)
- 3 In section 8(7) (driver's licence to be in force for...
- 4 After section 8 insert— Drivers' licences for persons subject to...
- 5 Plymouth City Council Act 1975 (c. xx)
- 6 After section 2 insert— Persons disqualified by reason of immigration...
- 7 (1) Section 9 (licensing of drivers of private hire vehicles)...
- 8 In section 11(1) (drivers' licences for hackney carriages and private...
- 9 After section 11 insert— Drivers' licences for persons subject to...
- 10 (1) Section 13 (licensing of operators of private hire vehicles)...
- 11 After section 13 insert— Operators' licences for persons subject to...
- 12 (1) Section 17 (qualification for drivers of hackney carriages) is...
- 13 (1) Section 19 (suspension and revocation of drivers' licences) is...
- 14 (1) Section 20 (suspension and revocation of operators' licences) is...
- 15 After section 20 insert— Return of licences suspended or revoked...
- 16 In section 37 (appeals) after subsection (2) insert—
- 17 Local Government (Miscellaneous Provisions) Act 1976 (c. 57)
- 18 (1) Section 51 (licensing of drivers of private hire vehicles)...
- 19 In section 53(1) (drivers' licences for hackney carriages and private...
- 20 After section 53 insert— Drivers' licences for persons subject to...
- 21 (1) Section 55 (licensing of operators of private hire vehicles)...
- 22 After section 55 insert— Operators' licences for persons subject to...
- 23 (1) Section 59 (qualification for drivers of hackney carriages) is...
- 24 (1) Section 61 (suspension and revocation of drivers' licences) is...
- 25 (1) Section 62 (suspension and revocation of operators' licences) is...
- 26 After section 62 insert— Return of licences suspended or revoked...

Status: This is the original version (as it was originally enacted).

- 27 In section 77 (appeals) after subsection (3) insert—
- 28 After section 79 insert— Persons disqualified by reason of immigration...
- 29 Civic Government (Scotland) Act 1982 (c. 45)
- 30 In section 13 (taxi and private hire car driving licences)...
- 31 After section 13 insert— Persons disqualified by reason of immigration...
- 32 (1) Schedule 1 (licensing - further provisions as to the...
- 33 Road Traffic Offenders (Northern Ireland) Order 1996 (SI 1996/1320 (NI 10))
- 34 Private Hire Vehicles (London) Act 1998 (c. 34)
- 35 In section 1(1) (meaning of “private hire vehicle” etc)—
- 36 (1) Section 3 (London operator’s licences) is amended as follows....
- 37 After section 3 insert— London PHV operator’s licences for persons...
- 38 (1) Section 13 (London PHV driver’s licences) is amended as...
- 39 After section 13 insert— London PHV driver’s licences for persons...
- 40 (1) Section 16 (power to suspend or revoke licences) is...
- 41 In section 25 (appeals) after subsection (7) insert—
- 42 (1) Section 32 (regulations) is amended as follows.
- 43 After section 35 insert— Persons disqualified by reason of immigration...
- 44 In section 36 (interpretation) at the appropriate place insert— “operate”...
- 45 Taxis Act (Northern Ireland) 2008 (c. 4)
- 46 (1) Section 2 (operator’s licences) is amended as follows.
- 47 After section 2 insert— Operator’s licences for persons subject to...
- 48 (1) Section 23 (taxi driver’s licences) is amended as follows....
- 49 After section 23 insert— Taxi driver’s licences for persons subject...
- 50 (1) Section 26 (power to suspend, revoke or curtail licences)...
- 51 In section 32 (return of licences etc) after subsection (5)...
- 52 In section 34 (appeals) after subsection (5) insert—
- 53 After section 56 insert— Persons disqualified by reason of immigration...
- 54 Transitional provision
- 55 (1) Subject to sub-paragraphs (2) and (3), an amendment made...
- 56 (1) Section 19(1) of the Plymouth City Council Act 1975...

SCHEDULE 6 — Illegal working closure notices and illegal working compliance orders

- 1 Illegal working closure notices
- 2 (1) An illegal working closure notice must—
- 3 Cancellation of illegal working closure notices
- 4 Service of notices
- 5 Illegal working compliance orders
- 6 Illegal working compliance orders: adjournment of hearing
- 7 Extension of illegal working compliance orders
- 8 Variation or discharge of illegal working compliance orders
- 9 Notice and orders: appeals
- 10 Notices and orders: enforcement
- 11 Notices and orders: offences
- 12 Access to other premises
- 13 Reimbursement of costs
- 14 Exemption from liability

- 15 Compensation
- 16 Guidance
- 17 Interpretation
- 18 Amendment of Licensing Act 2003

SCHEDULE 7 — Bank accounts

- 1 The Immigration Act 2014 is amended as follows.
- 2 After section 40 (prohibition on opening current accounts for disqualified...)
- 3 (1) Section 41 (regulation by Financial Conduct Authority) is amended...
- 4 In section 42 (meaning of “bank” and “building society”), in...
- 5 (1) Section 43 (power to amend) is amended as follows....
- 6 In section 74 (orders and regulations), in subsection (2) (statutory...)
- 7 (1) Section 18 of the Civil Jurisdiction and Judgments Act...

SCHEDULE 8 — Amendments to search warrant provisions

- 1 Immigration Act 1971 (c. 77)
- 2 (1) Section 28D (entry and search of premises) is amended...
- 3 (1) Section 28FB (search for personnel records with warrant) is...
- 4 (1) Section 28J (search warrants: safeguards) is amended as follows....
- 5 (1) Section 28K (execution of warrants) is amended as follows....
- 6 (1) Paragraph 25A of Schedule 2 (search of premises for...)
- 7 UK Borders Act 2007 (c. 30)

SCHEDULE 9 — Duty to supply nationality documents to Secretary of State:
persons to whom duty applies

SCHEDULE 10 — Immigration bail

PART 1 — MAIN PROVISIONS

- 1 Power to grant immigration bail
- 2 Conditions of immigration bail
- 3 Exercise of power to grant immigration bail
- 4 Electronic monitoring condition
- 5 Financial condition
- 6 Power to vary bail conditions
- 7 Removal etc of electronic monitoring condition: bail managed by Secretary of State
- 8 Amendment etc of electronic monitoring condition: bail managed by First-tier Tribunal
- 9 Powers of Secretary of State to enable person to meet bail conditions
- 10 Arrest for breach of immigration bail
- 11 Duty to arrange consideration of bail
- 12 Tribunal Procedure Rules
- 13 Transitional provision

PART 2 — AMENDMENTS TO OTHER ACTS

- 14 Immigration Act 1971 (c. 77)
- 15 In section 11(1) (construction of references to entry)—
- 16 (1) Section 24 (illegal entry and other similar offences) is...
- 17 (1) Section 28 (proceedings for offences) is amended as follows....
- 18 In section 28B(5) (meaning of “relevant offence”) for “(e) or...)
- 19 In section 28D(4) (meaning of “relevant offence”) for “(e) or...)
- 20 In Schedule 2 (administrative provisions as to control on entry...)

Status: This is the original version (as it was originally enacted).

- 21 (1) Schedule 3 (supplementary provisions as to deportation) is amended...
- 22 Special Immigration Appeals Commission Act 1997 (c. 68)
- 23 In section 3(1) (jurisdiction: bail) for “Schedule 2 to the...
- 24 (1) Section 5 (procedure in relation to jurisdiction under sections...
- 25 For Schedule 3 substitute— SCHEDULE 3 Bail: Modifications of Schedule...
- 26 Immigration and Asylum Act 1999 (c. 33)
- 27 In section 10(9) (removal of persons unlawfully in the United...
- 28 In section 53 (applications for bail in immigration cases) omit...
- 29 In section 95(9A) (support for asylum seekers etc: matters to...
- 30 (1) Section 141 (fingerprinting: persons temporarily admitted to the United...
- 31 Nationality, Immigration and Asylum Act 2002 (c. 41)
- 32 (1) Section 23 (power for residence restriction to include requirement...
- 33 In section 30 (conditions of residence at accommodation centres) in...
- 34 (1) Section 62 (detention by the Secretary of State) is...
- 35 Omit sections 68 (bail) and 69 (reporting restriction: travel expenses)...
- 36 (1) Section 70 (power for residence restriction to take account...
- 37 (1) Section 71 (asylum seeker: residence etc restriction) is amended...
- 38 Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c. 19)
- 39 Immigration, Asylum and Nationality Act 2006 (c. 13)
- 40 UK Borders Act 2007 (c. 30)
- 41 Criminal Justice and Immigration Act 2008 (c. 4)
- 42 In section 132(4) (special immigration status: effect of designation) in...
- 43 In section 133 (special immigration status: conditions) for subsections (3)...

SCHEDULE 11 — Support for certain categories of migrant

PART 1 — AMENDMENTS OF THE IMMIGRATION ACTS

- 1 Abolition of power to support certain categories of migrant
- 2 In consequence of the repeal made by paragraph 1—
- 3 Power to support people making further submissions in relation to protection claims
- 4 In consequence of the repeal made by paragraph 3(2)(b)—
- 5 Power to support failed asylum-seekers
- 6 The heading of the Part becomes “Support for asylum-seekers, etc”...
- 7 (1) Section 94 (interpretation of Part 6) is amended as...
- 8 In section 95 (persons for whom support may be provided),...
- 9 After section 95 insert— Support for failed asylum-seekers, etc who...
- 10 (1) Section 96 (ways in which support may be provided)...
- 11 (1) Section 97 (supplemental) is amended as follows.
- 12 In section 98, the heading becomes “Temporary support for asylum-seekers,...
- 13 After section 98 insert— Temporary support for failed asylum-seekers, etc...
- 14 (1) Section 99 (provision of support by local authorities) is...
- 15 In section 100 (local authority and other assistance for Secretary...
- 16 In section 101 (reception zones), in subsection (3), after “section...
- 17 In section 112 (recovery of expenditure on support: misrepresentation etc),...
- 18 In section 113 (recovery of expenditure on support from sponsor),...
- 19 (1) Section 114 (overpayments) is amended as follows.

- 20 In section 118 (housing authority accommodation), in subsection (1)(b),
for...
 - 21 (1) Section 122 (support for children) is amended as follows....
 - 22 (1) Section 125 (entry of premises) is amended as follows....
 - 23 In section 127 (requirement to supply information about redirection of...
 - 24 (1) Section 166 (regulations and orders) is amended as follows....
 - 25 In section 26A of the Immigration Act 1971 (registration card),...
 - 26 (1) The Nationality, Immigration and Asylum Act 2002 is amended...
 - 27 In section 9 of the Asylum and Immigration (Treatment of...
 - 28 In the Immigration, Asylum and Nationality Act 2006, omit section...
 - 29 In section 40 of the UK Borders Act 2007 (supply...
 - 30 In Schedule 3 to the Immigration Act 2014 (excluded residential...
 - 31 Accommodation centres: definition of “asylum-seeker” etc
 - 32 (1) In consequence of the amendment made by paragraph 31(3),...
 - 33 In consequence of the amendments made by paragraph 31, the...
 - 34 In section 16 (establishment of accommodation centres), in
subsection (3)(b),...
 - 35 In section 21(3), for “claim for asylum” substitute “protection claim”....
 - 36 In section 29 (facilities), in subsection (1)(c), for “claim for...
 - 37 (1) Section 55 (late claim for asylum: refusal of support)...
 - 38 In section 70 (induction), in the definition of “asylum-seeker” in...
 - 39 (1) Section 71 (asylum-seeker: residence, etc restriction) is amended
as...
 - 40 In Schedule 3 (withholding and withdrawal of support), in paragraph...
 - 41 Repeal of uncommenced provisions
 - 42 In Schedule 15 to the National Health Service (Wales) Act...
 - 43 In Schedule 3 to the National Health Service (Consequential
Provisions)...
 - 44 In section 21 of the Care Act 2014, for subsections...
 - 45 In section 46 of the Social Services and Well-being (Wales)...
- PART 2 — TRANSITIONAL AND SAVING PROVISION
- 46 (1) The repeals made by paragraphs 1 and 2 do...
 - 47 (1) The repeal made by paragraph 7(5) does not apply...
 - 48 Schedule 3 to the Nationality, Immigration and Asylum Act 2002...

SCHEDULE 12 — Availability of local authority support

- 1 Schedule 3 to the Nationality, Immigration and Asylum Act 2002...
- 2 (1) Paragraph 1 (ineligibility for support) is amended as follows....
- 3 After paragraph 1 insert— (1) A person to whom this paragraph applies
is not...
- 4 (1) Paragraph 2(1) (exceptions) is amended as follows.
- 5 After paragraph 2 insert— (1) Paragraph 1(1)(g) or (ga) does not
prevent the provision...
- 6 After paragraph 3 insert— Notwithstanding paragraph 3, paragraph 1(1)
(g) prevents a local authority in...
- 7 In paragraph 6 (third class of ineligible person: failed asylum-seeker),...
- 8 In paragraph 7 (fourth class of ineligible person: person unlawfully...
- 9 Before paragraph 8 insert— Sixth class of ineligible person: person...
- 10 After paragraph 10 insert— Accommodation and subsistence etc:
England (1) The Secretary of State may make regulations providing
for...
- 11 In paragraph 11 (assistance and accommodation: general), in the
words...

Status: This is the original version (as it was originally enacted).

- 12 In paragraph 13 (offences), in sub-paragraphs (1)(b) and (2)(a), for...
- 13 In paragraph 14 (information), in sub-paragraphs (1) and (2), for...
- 14 (1) Paragraph 15 (power to amend Schedule 3) is amended...
- 15 (1) Paragraph 16 (orders and regulations) is amended as follows....
- 16 In Schedule 3 to the Immigration Act 2014 (excluded residential...

SCHEDULE 13 — Penalties relating to airport control areas

SCHEDULE 14 — Maritime enforcement

- 1 The Immigration Act 1971 is amended as follows.
- 2 In section 25(1) (offence of assisting unlawful immigration to member...
- 3 In section 25A (helping an asylum-seeker to enter United Kingdom)...
- 4 In section 25B (assisting entry to United Kingdom in breach...
- 5 In section 28 (proceedings) after subsection (2) insert—
- 6 In section 28A(3) (arrest without warrant) in paragraphs (a) and...
- 7 After Part 3 insert— PART 3A Maritime enforcement Enforcement powers...
- 8 After Schedule 4 insert— SCHEDULE 4A Enforcement powers in relation...

SCHEDULE 15 — Civil registration fees

PART 1 — POWERS TO MAKE REGULATIONS FOR THE CHARGING OF FEES

- 1 Marriage Act 1949 (c. 76)
- 2 Births and Deaths Registration Act 1953 (c. 20)
- 3 Registration Service Act 1953 (c. 37)
- 4 Civil Partnership Act 2004 (c. 33)
- 5 Marriage (Same Sex Couples) Act 2013 (c. 30)

PART 2 — CONSEQUENTIAL AND RELATED AMENDMENTS

- 6 Places of Worship Registration Act 1855 (c. 81)
- 7 Savings Banks Act 1887 (c. 40)
- 8 Marriage Act 1949 (c. 76)
- 9 In section 27 (notice of marriage) omit subsections (6) and...
- 10 In section 31 (marriage under certificate without licence)—
- 11 In section 41 (registration of buildings: marriage of a man...
- 12 In section 43D (regulations about registration of buildings) in subsection...
- 13 In section 51 (fees of registrars for attending marriages)—
- 14 In section 57 (quarterly returns to superintendent registrar) omit subsection...
- 15 In section 63 (searches in register books) in subsection (1),...
- 16 In section 64 (searches of indexes kept by superintendent registrars)...
- 17 In section 65 (searches of indexes kept by Registrar General)...
- 18 In section 65A (searches and records of information: additional provision)...
- 19 In section 74 (regulations) in subsection (1)(b), after “this Act”...
- 20 In section 78 (interpretation) in subsection (1), in the definition...
- 21 Births and Deaths Registration Act 1953 (c. 20)
- 22 In section 13 (registration of name of child or of...
- 23 In section 30 (searches of indexes kept by Registrar General)—...
- 24 In section 31 (searches of indexes kept by superintendent registrars)...
- 25 In section 32 (searches in registers kept by registrars) omit...
- 26 In section 33 (short certificate of birth) in subsection (1),...
- 27 In section 33A (short certificate of death)—

- 28 In section 34A (searches and records of information: additional provision)...
- 29 In section 39 (regulations made by the Registrar General) in...
- 30 In section 39A (regulations made by the Minister: further provisions) —...
- 31 In section 41 (interpretation) in subsection (1), in the definition...
- 32 Registration Service Act 1953 (c. 37)
- 33 Factories Act 1961 (c. 34)
- 34 Public Expenditure and Receipts Act 1968 (c. 14)
- 35 Marriage (Registrar General's Licence) Act 1970 (c. 34)
- 36 Social Security Administration Act 1992 (c. 5)
- 37 Education Act 1996 (c. 56)