

Status: Point in time view as at 21/11/2016.

Changes to legislation: Immigration Act 2016, SCHEDULE 2 is up to date with all changes known to be in force on or before 27 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)

SCHEDULES

SCHEDULE 2

Section 11

FUNCTIONS IN RELATION TO LABOUR MARKET

Employment Agencies Act 1973 (c. 35)

1 The Employment Agencies Act 1973 is amended as follows.

Commencement Information

11 Sch. 2 para. 1 in force at 12.7.2016 by S.I. 2016/603, reg. 3(t)

2 Before section 9 insert—

Appointment of officers

“8A (1) The Secretary of State may—

- (a) appoint officers to act for the purposes of this Act, and
- (b) instead of or in addition to appointing any officers under this section, arrange with any relevant authority for officers of that authority to act for those purposes.

(2) The following are relevant authorities—

- (a) any Minister of the Crown or government department;
- (b) any body performing functions on behalf of the Crown;
- (c) the Gangmasters and Labour Abuse Authority.”

Commencement Information

12 Sch. 2 para. 2 in force at 12.7.2016 by S.I. 2016/603, reg. 3(t)

3 (1) Section 9 (inspection) is amended as follows.

(2) Before subsection (1) insert—

“(A1) This section does not apply to an officer acting for the purposes of this Act in relation to England and Wales if the officer is a labour abuse prevention officer within the meaning of section 114B of the Police and Criminal Evidence Act 1984 (PACE powers for labour abuse prevention officers).”

(3) In subsection (1), for “duly authorised in that behalf by the Secretary of State” substitute “acting for the purposes of this Act”.

(4) In subsection (4)(a), in each of sub-paragraphs (ii) and (iii), for “or servant appointed by, or person exercising functions on behalf of, the Secretary of State” substitute “acting for the purposes of this Act”.

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Commencement Information

I3 Sch. 2 para. 3 in force at 12.7.2016 by S.I. 2016/603, reg. 3(t)

National Minimum Wage Act 1998 (c. 39)

4 The National Minimum Wage Act 1998 is amended as follows.

Commencement Information

I4 Sch. 2 para. 4 in force at 12.7.2016 by S.I. 2016/603, reg. 3(t)

- 5 In section 13 (appointment of officers for enforcement)—
- (a) in subsection (1)(b), for the words from “Minister of the Crown” to “body shall” substitute “relevant authority for officers of that authority to”;
 - (b) after subsection (1) insert—
 - “(1A) The following are relevant authorities—
 - (a) any Minister of the Crown or government department;
 - (b) any body performing functions on behalf of the Crown;
 - (c) the Gangmasters and Labour Abuse Authority.”

Commencement Information

I5 Sch. 2 para. 5 in force at 12.7.2016 by S.I. 2016/603, reg. 3(t)

- 6 In section 14 (powers of officers) before subsection (1) insert—
- “(A1) This section does not apply to an officer acting for the purposes of this Act in relation to England and Wales if the officer is a labour abuse prevention officer within the meaning of section 114B of the Police and Criminal Evidence Act 1984 (PACE powers for labour abuse prevention officers).”

Commencement Information

I6 Sch. 2 para. 6 in force at 12.7.2016 by S.I. 2016/603, reg. 3(t)

- 7 In section 15 (information obtained by officers)—
- (a) in subsection (3)(b), after “any” insert “eligible”;
 - (b) in subsection (4)(a), after “to any” insert “eligible”;
 - (c) in subsection (8), for the words from ““relevant” to “body which,” substitute ““eligible relevant authority” means any relevant authority within the meaning given by section 13(1A) which”.

Commencement Information

I7 Sch. 2 para. 7 in force at 12.7.2016 by S.I. 2016/603, reg. 3(t)

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Modern Slavery Act 2015 (c.30)

8 The Modern Slavery Act 2015 is amended as follows.

Commencement Information

I8 Sch. 2 para. 8 in force at 12.7.2016 by S.I. 2016/603, reg. 3(t)

9 Before section 12 (but after the italic heading before it) insert—

Enforcement by Gangmasters and Labour Abuse Authority

“11A(1) The Secretary of State may make arrangements with the Gangmasters and Labour Abuse Authority for officers of the Authority to act for the purposes of this Part in taking action in circumstances in which it appears that an offence under this Part which is a labour market offence (within the meaning of section 3 of the Immigration Act 2016) has been, is being or may be committed.

(2) For provision about the powers of such an officer who is acting for the purposes of this Part, see section 114B of the Police and Criminal Evidence Act 1984 (PACE powers for labour abuse prevention officers).”

Commencement Information

I9 Sch. 2 para. 9 in force at 12.7.2016 by S.I. 2016/603, reg. 3(t)

10 (1) Section 15 (slavery and trafficking prevention orders on application) is amended as follows.

(2) In subsection (1)—

- (a) omit the “or” after paragraph (b);
- (b) after paragraph (c) insert “, or
- (d) the Gangmasters and Labour Abuse Authority.”

(3) In subsection (7)—

- (a) for “or the Director General”, in the first place it occurs, substitute “, the Director General or the Gangmasters and Labour Abuse Authority”;
- (b) for “or the Director General”, in the second place it occurs, substitute “, the Director General or the Authority”.

(4) In subsection (8)(b)—

- (a) for “or the Director General”, in the first place it occurs, substitute “, the Director General or the Gangmasters and Labour Abuse Authority”;
- (b) for “or the Director General”, in the second place it occurs, substitute “, the Director General or the Authority”.

Commencement Information

I10 Sch. 2 para. 10 in force at 12.7.2016 by S.I. 2016/603, reg. 3(t)

11 In section 19(7) (requirement to provide name and address)—

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- (a) for “or an immigration officer” substitute “, an immigration officer or the Gangmasters and Labour Abuse Authority”;
- (b) for “or the officer” substitute “, the officer or the Authority”.

Commencement Information

I11 Sch. 2 para. 11 in force at 12.7.2016 by S.I. 2016/603, reg. 3(t)

- 12 (1) Section 20 (variation, renewal and discharge) is amended as follows.
- (2) In subsection (2), after paragraph (f) insert—
- “(g) where the order was made on an application under section 15 by the Gangmasters and Labour Abuse Authority, the Authority.”
- (3) In subsection (9)—
- (a) for “or the Director General”, in the first place it occurs, substitute “, the Director General or the Gangmasters and Labour Abuse Authority”;
 - (b) for “or the Director General”, in the second and third places it occurs, substitute “, the Director General or the Authority”.

Commencement Information

I12 Sch. 2 para. 12 in force at 12.7.2016 by S.I. 2016/603, reg. 3(t)

- 13 (1) Section 23 (slavery and trafficking risk orders) is amended as follows.
- (2) In subsection (1)—
- (a) omit the “or” after paragraph (b);
 - (b) after paragraph (c) insert “, or
 - (d) the Gangmasters and Labour Abuse Authority.”
- (3) In subsection (6)—
- (a) for “or the Director General”, in the first place it occurs, substitute “, the Director General or the Gangmasters and Labour Abuse Authority”;
 - (b) for “or the Director General”, in the second place it occurs, substitute “, the Director General or the Authority”.
- (4) In subsection (7)(b)—
- (a) for “or the Director General” substitute “, the Director General or the Gangmasters and Labour Abuse Authority”;
 - (b) for “or Director General” substitute “, the Director General or the Authority”.

Commencement Information

I13 Sch. 2 para. 13 in force at 12.7.2016 by S.I. 2016/603, reg. 3(t)

- 14 In section 26(7) (requirement to provide name and address)—
- (a) for “or an immigration officer” substitute “, an immigration officer or the Gangmasters and Labour Abuse Authority”;
 - (b) for “or the officer” substitute “, the officer or the Authority”.

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Commencement Information

I14 Sch. 2 para. 14 in force at 12.7.2016 by S.I. 2016/603, reg. 3(t)

- 15 (1) Section 27 (variation, renewal and discharge) is amended as follows.
- (2) In subsection (2), after paragraph (f) insert—
- “(g) where the order was made on an application by the Gangmasters and Labour Abuse Authority, the Authority.”
- (3) In subsection (7)—
- (a) for “or the Director General” in the first place it occurs, substitute “, the Director General or the Gangmasters and Labour Abuse Authority”;
- (b) for “or the Director General” in the second and third places it occurs, substitute “, the Director General or the Authority”.

Commencement Information

I15 Sch. 2 para. 15 in force at 12.7.2016 by S.I. 2016/603, reg. 3(t)

- 16 After section 30 (offences) insert—

“30A Enforcement by Gangmasters and Labour Abuse Authority

- (1) The Secretary of State may make arrangements with the Gangmasters and Labour Abuse Authority for officers of the Authority to act for the purposes of this Part in taking action in circumstances in which it appears that an offence under this Part which is a labour market offence (within the meaning of section 3 of the Immigration Act 2016) has been, is being or may be committed.
- (2) For provision about the powers of such an officer who is acting for the purposes of this Part, see section 114B of the Police and Criminal Evidence Act 1984 (PACE powers for labour abuse prevention officers).”

Commencement Information

I16 Sch. 2 para. 16 in force at 12.7.2016 by S.I. 2016/603, reg. 3(t)

- 17 In section 33 (guidance), in subsection (1) for “and the Director General of the National Crime Agency” substitute “, the Director General of the National Crime Agency and the Gangmasters and Labour Abuse Authority”.

Commencement Information

I17 Sch. 2 para. 17 in force at 12.7.2016 by S.I. 2016/603, reg. 3(t)

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