



Immigration Act 2016

2016 CHAPTER 19

PART 1

LABOUR MARKET AND ILLEGAL WORKING

CHAPTER 1

LABOUR MARKET

Labour market enforcement undertakings

14 Power to request LME undertaking

- (1) This section applies where an enforcing authority believes that a person has committed, or is committing, a trigger offence.
- (2) An enforcing authority may give a notice to the person—
 - (a) identifying the trigger offence which the authority believes has been or is being committed;
 - (b) giving the authority's reasons for the belief;
 - (c) inviting the person to give the authority a labour market enforcement undertaking in the form attached to the notice.
- (3) A labour market enforcement undertaking (an “LME undertaking”) is an undertaking by the person giving it (the “subject”) to comply with any prohibitions, restrictions and requirements set out in the undertaking (as to which see section 15).
- (4) “Trigger offence” means—
 - (a) an offence under the Employment Agencies Act 1973 other than one under section 9(4)(b) of that Act;
 - (b) an offence under the National Minimum Wage Act 1998;
 - (c) an offence under the Gangmasters (Licensing) Act 2004;

Status: Point in time view as at 10/11/2021.

Changes to legislation: Immigration Act 2016, Section 14 is up to date with all changes known to be in force on or before 29 May 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)

- (d) any other offence prescribed by regulations made by the Secretary of State;
 - (e) an offence of attempting or conspiring to commit an offence mentioned in paragraphs (a) to (d);
 - (f) an offence under Part 2 of the Serious Crime Act 2007 in relation to an offence so mentioned;
 - (g) an offence of inciting a person to commit an offence so mentioned;
 - (h) an offence of aiding, abetting, counselling or procuring the commission of an offence so mentioned.
- (5) “Enforcing authority”—
- (a) in relation to a trigger offence under the Employment Agencies Act 1973, means the Secretary of State or any authority whose officers are acting for the purposes of that Act (see section 8A of that Act);
 - (b) in relation to a trigger offence under the National Minimum Wage Act 1998, means the Secretary of State or any authority whose officers are acting for the purposes of that Act (see section 13 of that Act);
 - (c) in relation to a trigger offence under the Gangmasters (Licensing) Act 2004, means the Secretary of State or any authority whose officers are acting as enforcement officers for the purposes of that Act (see section 15 of that Act);
 - (d) in relation to an offence which is a trigger offence by virtue of subsection (4)(d) (including an offence mentioned in subsection (4)(e) to (h) in connection with such an offence), has the meaning prescribed in regulations made by the Secretary of State.
- (6) In subsection (5), a reference to an offence under an Act includes a reference to an offence mentioned in subsection (4)(e) to (h) in connection with such an offence.
- (7) In this section references to the Gangmasters (Licensing) Act 2004 are references to that Act only so far as it applies in relation to England and Wales and Scotland.

Commencement Information

II S. 14 in force at 25.11.2016 by S.I. 2016/1037, reg. 4(a)

Status:

Point in time view as at 10/11/2021.

Changes to legislation:

Immigration Act 2016, Section 14 is up to date with all changes known to be in force on or before 29 May 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.