
STATUTORY INSTRUMENTS

2004 No. 755

The Immigration (Restrictions on Employment) Order 2004

Requirements for the purposes of section 8(2) of the 1996 Act

4.—(1) The requirements set out in paragraphs (2) to (5) are requirements for the purposes of section 8(2) of the 1996 Act⁽¹⁾ (defence for a person charged with an offence under section 8 to prove that before the employment began any such requirement was complied with).

(2) There must have been produced to the employer either—

(a) a document of a description specified in Part 1 of the Schedule, or

(b) one document of a description specified in—

(i) each of sub-paragraphs (a) and (b) of paragraph 1 of Part 2 of the Schedule; or

(ii) each of sub-paragraphs (a) and (b) of paragraph 2 of that Part.

(3) The employer must have taken the steps specified in Part 3 of the Schedule to copy or record the content of any document produced to him in accordance with paragraph (2).

(4) The employer must have satisfied himself that each document produced in accordance with paragraph (2), appears to relate to the employee in question; in particular—

(a) if a document contains a photograph, the employer must have satisfied himself that the person photographed is the employee in question, and

(b) if a document contains a date of birth, the employer must have satisfied himself that the date of birth is consistent with the appearance of the employee.

(5) If either—

(a) the name on a document produced under paragraph 1(a) of Part 2 of the Schedule differs from the name on a document produced under paragraph 1(b) of that Part; or

(b) the name on a document produced under paragraph 2(a) of Part 2 of the Schedule differs from the name on a document produced under paragraph 2(b) of that Part,

a document must have been produced to the employer explaining the difference.

(1) Subsection (2) of section 8 was substituted by section 147(2) of the Nationality, Immigration and Asylum Act 2002.