
STATUTORY INSTRUMENTS

2022 No. 242

The Immigration (Restrictions on Employment and Residential Accommodation) (Prescribed Requirements and Codes of Practice) and Licensing Act 2003 (Personal and Premises Licences) (Forms), etc., Regulations 2022

PART 3

Access to employment and accommodation in the private rented sector

Immigration (Restrictions on Employment) Order 2007

- 3.—(1) The Immigration (Restrictions on Employment) Order 2007(1) is amended as follows.
- (2) In article 2, at the appropriate place, insert—
- ““Home Office Employer Checking Service” means the enquiry and advice service for employers operated by the Home Office;”.
- (3) In article 4A(1)(a)(i) after “paragraph 1A,” insert “1AA,”.
- (4) For articles 11 and 12, substitute—

“Code of practice: civil penalties

11. The revised code of practice entitled “Code of practice on preventing illegal working: Civil penalty scheme for employers”(2), issued by the Secretary of State under section 19(1) and (3) of the 2006 Act and laid in draft before Parliament on 2nd March 2022, comes into force on 6th April 2022.

Code of practice: discrimination

12. The revised code of practice entitled “Code of practice for employers: Avoiding unlawful discrimination while preventing illegal working”(3), issued by the Secretary of State under section 23(1) and (5) of the 2006 Act and laid in draft before Parliament on 2nd March 2022, comes into force on 6th April 2022.”.

- (5) In the Schedule—
- (a) in List A—
- (i) in paragraph 1, after “A passport”, insert “(current or expired)”;

(1) [S.I. 2007/3290](#); relevant amending instruments are [S.I. 2009/2908](#), [2014/1183](#), [2018/1340](#), [2021/689](#).

(2) A copy of this Code as laid in draft and final forms can be obtained from Home Office, Civil Penalty Compliance Team, PO BOX 665, Salford, M5 0LY 4DF and online at [Illegal working penalties: codes of practice for employers - GOV.UK \(www.gov.uk\)](#)

(3) A copy of this Code as laid in draft and final forms can be obtained from Home Office, Civil Penalty Compliance Team, PO BOX 665, Salford, M5 0LY 4DF and online at [Avoiding discrimination while preventing illegal working: code of practice, 2014 - GOV.UK \(www.gov.uk\)](#)

- (ii) in paragraph 1 omit “, or a person named in the passport as the child of the holder.”;
- (iii) omit paragraph 4A;
- (iv) for paragraph 4B, substitute—
 - “**4B.** A passport or passport card (in either case, whether current or expired) showing that the holder is an Irish citizen.”;
- (v) omit paragraph 5;
- (b) in List B – Part 1, omit paragraphs 2, 3A and 3C;
- (c) in List B – Part 2—
 - (i) before paragraph 1B, insert—
 - “**1AA.** A Certificate of Application issued by the Home Office, showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules on or after 1st July 2021.”;
 - (ii) for paragraph 1B, substitute—
 - “**1B.** A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey, or the Isle of Man, showing that the holder has made an application for leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008, or Appendix EU to the Isle of Man Immigration Rules (as the case may be).”.

Immigration (Residential Accommodation) (Prescribed Requirements and Codes of Practice) Order 2014

4.—(1) The Immigration (Residential Accommodation) (Prescribed Requirements and Codes of Practice) Order 2014(4) is amended as follows.

- (2) In article 4, after paragraph (b)(i)(cc), insert—
 - “(cca) they have a Certificate of Application issued by the Home Office, showing that they have made an application for leave to enter or remain under Appendix EU to the immigration rules on or after 1st July 2021, or
 - (ccb) they have a document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey, or the Isle of Man, showing that the holder has made an application for leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008, or Appendix EU to the Isle of Man Immigration Rules (as the case may be), or”.
- (3) For articles 13 and 14, substitute—

“Code of practice: civil penalties

13. The revised code of practice entitled “Code of practice on right to rent: civil penalty scheme for landlords and their agents”(5), issued by the Secretary of State under section 32(5) of the Act and laid in draft before Parliament on 2nd March 2022, comes into force on 6th April 2022.

(4) [S.I. 2014/2874](#); relevant amending instruments are [S.I. 2016/9](#), [2020/1047](#), [2021/689](#).

(5) A copy of this Code as laid in draft and final forms can be obtained from Home Office, Civil Penalty Compliance Team, PO BOX 665, Salford, M5 0LY 4DF and online at <https://www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice>

Code of practice: discrimination

14. The revised code of practice entitled “Code of practice for landlords: Avoiding unlawful discrimination when conducting ‘right to rent’ checks in the private rented residential sector”(6), issued by the Secretary of State under section 33(2) of the Act and laid in draft before Parliament on 2nd March 2022, comes into force on 6th April 2022.”.

- (4) In the Schedule—
- (a) in List A(1)—
- (i) for paragraph 1A, substitute—
- “1A. A passport or passport card (in either case, whether current or expired) showing that the holder is an Irish citizen.”;
- (ii) omit paragraphs 5, 6 and 7;
- (b) in List B, omit paragraphs 2, 3, 5, 7 and 8.

Illegal Working Compliance Orders Regulations 2016

- 5.—(1) The Illegal Working Compliance Orders Regulations 2016(7) are amended as follows.
- (2) In regulation 2 (interpretation), at the appropriate place, insert—
- ““Home Office Employer Checking Service” means the enquiry and advice service for employers operated by the Home Office;”.
- (3) In Schedule 1—
- (a) in paragraph 1 omit “, or a person named in the passport as the child of the holder;”;
- (b) for paragraph 1A, substitute—
- “1A. A passport or passport card (in either case, whether current or expired) showing that the holder is an Irish citizen.”;
- (c) omit paragraphs 1B and 5.
- (4) In Schedule 2, omit paragraphs 2, 3A, 3C and 3D.

Licensing forms

- 6.—(1) In the Licensing Act 2003 (Personal licences) Regulations 2005(8), for the form in Schedule 1 to those Regulations, substitute the form in Schedule 1 to these Regulations.
- (2) In the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005(9), for the form in—
- (a) Schedule 2 to those Regulations, substitute the form in Schedule 2 to these Regulations;
- (b) Schedule 6 to those Regulations, substitute the form in Schedule 3 to these Regulations;
- (c) Schedule 7 to those Regulations, substitute the form in Schedule 4 to these Regulations.

(6) A copy of this Code as laid in draft and final forms can be obtained from Home Office, Civil Penalty Compliance Team, PO BOX 665, Salford, M5 0LY 4DF and online at <https://www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice>

(7) S.I. 2016/1058; relevant amending instruments are S.I. 2018/1340, 2021/689.

(8) S.I. 2005/41.

(9) S.I. 2005/42.