



# House of Commons

## NOTICES OF AMENDMENTS

given on

**Thursday 23 January 2014**

*For other Amendment(s) see the following page(s) of Supplement to Votes:  
1289, 1305, 1321, 1343 1355 and 1567-73*

### CONSIDERATION OF BILL

#### IMMIGRATION BILL, AS AMENDED

Secretary Theresa May

- 6**
- Clause **12**, page **10**, line **10**, leave out from ‘appeal’) to end of line 17 and insert ‘, the appeal must be brought from outside the United Kingdom if—
- (a) the claim to which the appeal relates has been certified under section 94(1) or (7) (claim clearly unfounded or removal to safe third country), or
  - (b) paragraph 5(3)(a), 10(3), 15(3) or 19(b) of Schedule 3 to the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (removal of asylum seeker to safe third country) applies.
- Otherwise, the appeal must be brought from within the United Kingdom.’.

Secretary Theresa May

- 7**
- Clause **12**, page **10**, line **19**, leave out from ‘appeal’) to end of line 33 and insert ‘where the claim to which the appeal relates was made while the appellant was in the United Kingdom, the appeal must be brought from outside the United Kingdom if—
- (a) the claim to which the appeal relates has been certified under section 94(1) or (7) (claim clearly unfounded or removal to safe third country) or section 94B (certification of human rights claims made by persons liable to deportation), or
  - (b) paragraph 5(3)(b) or (4), 10(4), 15(4) or 19(c) of Schedule 3 to the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (removal of asylum seeker to safe third country) applies.
- Otherwise, the appeal must be brought from within the United Kingdom.
- ( ) In the case of an appeal under section 82(1)(b) (human rights claim appeal) where the claim to which the appeal relates was made while the appellant was outside the United Kingdom, the appeal must be brought from outside the United Kingdom.’.

Secretary Theresa May

- 8**
- Schedule **8**, page **100**, line **6**, at end insert—

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**Immigration Bill, *continued***

In Schedule 2 (administrative provisions as to control on entry etc), in paragraph 2A(9), for “(immigration and asylum appeals)” substitute “(appeals in respect of protection and human rights claims)”.

In Schedule 3 (supplementary provisions as to deportation), in paragraph 3, for the words from “of the kind” to “order)” substitute “that relates to a deportation order”.

Secretary Theresa May

9

Schedule 8, page 100, line 13, leave out paragraph 15 and insert—

The Immigration and Asylum Act 1999 is amended as follows.

Section 23 (monitoring refusals of entry clearance) is repealed.

(1) Section 141 (fingerprinting) is amended as follows.

(2) In subsection (7)—

(a) for paragraph (c) substitute—

“(c) any person (“C”) in respect of whom the Secretary of State has decided—

(i) to make a deportation order, or

(ii) that section 32(5) of the UK Borders Act 2007 (automatic deportation of foreign criminals) applies;

(ca) any person (“CA”) who requires leave to enter or remain in the United Kingdom but does not have it;”;

(b) in paragraph (f), for the words from “paragraph (c)” to the end substitute “paragraph (c)(ii)”.

(3) In subsection (8), for paragraph (c) substitute—

“(c) for C, when he is notified of the decision mentioned in subsection (7)(c);

(ca) for CA, when he becomes a person to whom this section applies;”.

(4) In subsection (9)—

(a) in paragraph (b), after “C” insert “, CA”;

(b) in paragraph (c)(i) for “relevant immigration decision” substitute “decision mentioned in subsection (7)(c)”;

(c) after paragraph (c) insert—

“(ca) for CA, when he no longer requires leave to enter or remain in the United Kingdom;”;

(5) Omit subsection (16).’.

Secretary Theresa May

10

Schedule 8, page 103, line 1, at end insert—

( ) in the definition of “human rights claim”—

(i) after “Kingdom” insert “or to refuse him entry into the United Kingdom”;

(ii) omit “as being incompatible with his Convention rights”;

Secretary Theresa May

11

Schedule 8, page 104, line 16, at end insert—

**Immigration Bill, continued**

*‘Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c. 19)*

- (1) Schedule 3 to the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (removal of asylum seeker to safe third country) is amended as follows.
- (2) In paragraph 1, at the end insert—
  - “(3) Section 92 of the Nationality, Immigration and Asylum Act 2002 makes further provision about the place from which an appeal relating to an asylum or human rights claim may be brought or continued.”
- (3) In paragraph 5—
  - (a) omit sub-paragraph (2);
  - (b) in sub-paragraph (3), for the words from “by virtue of” to “rights” substitute “from within the United Kingdom”;
  - (c) in sub-paragraph (4), for “by virtue of section 92(4)(a) of that Act” substitute “from within the United Kingdom”.
- (4) In paragraph 10—
  - (a) omit sub-paragraph (2);
  - (b) in sub-paragraph (3), for the words from “by virtue of” to “rights” substitute “from within the United Kingdom”;
  - (c) in sub-paragraph (4), for “by virtue of section 92(4)(a) of that Act” substitute “from within the United Kingdom”.
- (5) In paragraph 15—
  - (a) omit sub-paragraph (2);
  - (b) in sub-paragraph (3), for the words from “by virtue of” to “rights” substitute “from within the United Kingdom”;
  - (c) in sub-paragraph (4), for “by virtue of section 92(4)(a) of that Act” substitute “from within the United Kingdom”.
- (6) In paragraph 19—
  - (a) omit paragraph (a);
  - (b) in paragraph (b), for the words from “by virtue of” to “rights” substitute “from within the United Kingdom”;
  - (c) in paragraph (c), for “by virtue of section 92(4)(a) of that Act” substitute “from within the United Kingdom”.

Secretary Theresa May

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Schedule 8, page 104, line 18, at end insert—

- (i) In section 12(3) (new definition of human rights claims), in paragraph (a) of the definition of “human rights claim”—
  - (a) after “Kingdom” insert “or to refuse him entry into the United Kingdom”;
  - (b) omit “as being incompatible with his Convention rights”.

Secretary Theresa May

13

Schedule 8, page 104, line 29, at end insert—

*‘UK Borders Act 2007 (c. 30)*

In section 17 of the UK Borders Act 2007 (support for failed asylum-seekers), in subsection (2)—

**Immigration Bill, continued**

- (a) in paragraph (a), omit “against an immigration decision”;
- (b) in paragraph (b), omit “against an immigration decision”.

Secretary Theresa May

Schedule 8, page 104, line 42, at end insert—

- (i) In section 2B (appeal to SIAC against deprivation of citizenship), omit the words from “(and” to the end.’.

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Secretary Theresa May

Schedule 8, page 105, line 15, column 2, at beginning insert—

Section 15(2), (3) and (5).

15

Secretary Theresa May

Schedule 8, page 105, line 27, at end insert—

Borders, Citizenship and Section 51(3).  
Immigration Act 2009

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Secretary Theresa May

That paragraph 44 of Schedule 8 be transferred to line 11 on page 100.

Secretary Theresa May

Schedule 3, page 56, line 5, after ‘Part’ insert ‘1 or’.

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Secretary Theresa May

Schedule 3, page 56, line 6, after ‘Ireland’ insert ‘—

- (i) Chapter 4 of Part 2 of the Housing (Northern Ireland) Order 1981 (S.I. 1981/156 (N.I. 3)), or
- (ii) ’.

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Secretary Theresa May

Schedule 3, page 56, leave out lines 11 to 21 and insert—

- ‘1A (1) This paragraph applies for the purposes of paragraph 1.
- (2) An allocation of housing accommodation by a local housing authority in England to a person who is already—
  - (a) a secure or introductory tenant, or
  - (b) an assured tenant of housing accommodation held by a private registered provider of social housing or a registered social landlord,
 is to be treated as an allocation of housing accommodation by virtue of Part 6 of the Housing Act 1996 (and accordingly section 159(4A) of that Act is to be ignored).
- (3) An allocation of housing accommodation that falls within a case specified in, or prescribed under, section 160 of the Housing Act 1996 (cases where

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**Immigration Bill, continued**

provisions about allocation under Part 6 of that Act do not apply) is to be treated as an allocation of housing accommodation by virtue of Part 6 of that Act (and accordingly that section is to be ignored).

- (4) An allocation of housing accommodation by virtue of Part 1 of the Housing (Scotland) Act 1987 is to be treated as provided by virtue of a relevant provision only if it is provided by a local authority within the meaning of that Act (or in pursuance of arrangements made under or for the purposes of that Part with a local authority).
- (5) Accommodation provided to a person in Northern Ireland by a registered housing association is to be treated as provided to the person by virtue of a relevant provision.
- (6) Terms used in sub-paragraphs (2) and (3) have the same meanings as in Part 6 of the Housing Act 1996.
- (7) In sub-paragraph (5) “registered housing association” means a housing association, within the meaning of Part 2 of the Housing (Northern Ireland) Order 1992 (S.I. 1992/1725 (N.I. 15)), that is registered in the register of housing associations maintained under Article 14 of that Order.’.

Secretary Theresa May

Schedule 3, page 57, line 22, after ‘hostel’ insert ‘or refuge’.

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Secretary Theresa May

Schedule 3, page 57, line 36, at end insert—

- (i) “Refuge” means a building which satisfies the second condition in sub-paragraph (4) and is used wholly or mainly for providing accommodation to persons who have been subject to any incident, or pattern of incidents, of—
  - (a) controlling, coercive or threatening behaviour,
  - (b) physical violence,
  - (c) abuse of any other description (whether physical or mental in nature), or
  - (d) threats of any such violence or abuse.’.

21

Secretary Theresa May

Schedule 3, page 59, line 44, at end insert—

- (i) “Building” includes a part of a building.’.

22

*Supplementary provision*

Secretary Theresa May

To move the following Clause:—

- (1) This section applies if the referral and investigation scheme is extended by an order under section 4848 (an “extension order”).
- (2) The Secretary of State may make administrative regulations in connection with the application of the scheme—
  - (a) to proposed marriages or civil partnerships under the law of Scotland (insofar as the scheme is extended to them), and

NC11

**Immigration Bill, continued**

- (b) to proposed marriages or civil partnerships under the law of Northern Ireland (insofar as the scheme is extended to them).
- (3) For that purpose “administrative regulations” means regulations of any kind set out in Schedule (*Sham marriage and civil partnership: administrative regulations*) (sham marriage and civil partnership: administrative regulations).
- (4) The Secretary of State may by order make provision about—
  - (a) the information that must or may be given, or
  - (b) the matters in respect of which evidence must or may be given, in relation to proposed marriages or civil partnerships under the law of Scotland or Northern Ireland in cases where one or both of the parties is not a relevant national.
- (5) An order under subsection (4) may amend, repeal or revoke any enactment (including an enactment contained in this Act or in provision made by an extension order or an order under subsection (4)).
- (6) If an extension order makes provision (“information disclosure provision”) having similar effect to the provision made by paragraph 2 of Schedule 55 about the disclosure of information for immigration purposes, the Secretary of State may by order specify other immigration purposes (in addition to those specified in provision made by an extension order or in any provision made under this subsection) for which information may be disclosed under the information disclosure provision.
- (7) The Secretary of State must consult—
  - (a) the Registrar General for Scotland before making administrative regulations, or an order under subsection (4), in relation to proposed marriages or civil partnerships under the law of Scotland;
  - (b) the Registrar General for Northern Ireland before making administrative regulations, or an order under subsection (4), in relation to proposed marriages or civil partnerships under the law of Northern Ireland.
- (8) Expressions used in this section or Schedule (*Sham marriage and civil partnership: administrative regulations*) that are also used in section 4848 have the same meanings in this section or Schedule (*Sham marriage and civil partnership: administrative regulations*) as in section 4848.’.

Secretary Theresa May

Clause 52, page 42, line 22, leave out ‘(7)’ and insert ‘(9)’.

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Secretary Theresa May

Clause 52, page 42, line 38, leave out subsection (6) and insert—

‘( ) For paragraph 1(1) substitute—

“1 (1A) Part 3 of this Schedule applies if—

- (a) two people wish to register in Scotland as civil partners of each other, and
- (b) one of them is subject to immigration control.

(1B) Part 4 of this Schedule applies if—

- (a) two people wish to register in Northern Ireland as civil partners of each other, and
- (b) one of them is subject to immigration control.”.’.

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**Immigration Bill, *continued***

- Secretary Theresa May 25  
 Clause 52, page 42, line 41, leave out first ‘paragraph’ and insert ‘Part’.
- Secretary Theresa May 26  
 Clause 52, page 42, line 42, at end insert—  
 ‘(8) For paragraph 8 substitute—  
     “8 This Part of this Schedule applies as mentioned in paragraph 1(1A).”  
 (9) For paragraph 12 substitute—  
     “12 This Part of this Schedule applies as mentioned in paragraph 1(1B).”.’
- Secretary Theresa May 27  
 Clause 64, page 49, line 34, at end insert ‘or (*Supplementary provision*)(4)’.
- Secretary Theresa May NS1  
 To move the following Schedule:—

‘SHAM MARRIAGE AND CIVIL PARTNERSHIP: ADMINISTRATIVE REGULATIONS

*Introduction*

- 1 (1) This Schedule sets out the kinds of regulations which may be made by the Secretary of State under section (*Supplementary provision*)(2).  
 (2) In this Schedule—  
     “extension order” has the meaning given in section (*Supplementary provision*)(1);  
     “proposed Scottish or Northern Ireland marriage or civil partnership” means a proposed marriage or civil partnership under the law of Scotland or Northern Ireland.

*Notices*

- 2 (1) The Secretary of State may make regulations which make provision about the giving of relevant notices.  
 (2) Regulations under this paragraph may, in particular, provide that a relevant notice given in accordance with the regulations is to be presumed to have been received by the person to whom it is given.  
 (3) In this paragraph “relevant notice” means—  
     (a) a notice, under any provision of the referral and investigation scheme, which relates to a proposed Scottish or Northern Ireland marriage or civil partnership, and  
     (b) any other notice relating to the referral of a proposed Scottish or Northern Ireland marriage or civil partnership to the Secretary of State for the purposes of the referral and investigation scheme,  
 (whether or not the notice falls to be given by virtue of provision made by an extension order).

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**Immigration Bill, *continued****Evidence*

- 3 (1) The Secretary of State may make regulations about the supply of evidence in accordance with a relevant evidence provision.
- (2) Regulations under this paragraph may, in particular, make provision about—
- (a) the kind of evidence which is to be supplied;
  - (b) the form in which evidence is to be supplied;
  - (c) the manner in which evidence is to be supplied;
  - (d) the period within which evidence is to be supplied;
  - (e) the supply of further evidence;
  - (f) the sufficiency of evidence supplied;
  - (g) the consequences of failing to supply sufficient evidence in accordance with the regulations (including provision to secure that, in such a case, a particular decision is made or is to be treated as having been made);
  - (h) the retention or copying of evidence supplied.
- (3) In this paragraph—
- “evidence” includes a photograph or other image;
  - “relevant evidence provision” means provision (whether or not made by an extension order) about the supply of evidence in relation to a proposed Scottish or Northern Ireland marriage or civil partnership in a case where one or both of the parties is not a relevant national.

*Change of address*

- 4 (1) The Secretary of State may, by regulations, make provision about the giving to the Secretary of State of—
- (a) notice of a relevant person’s usual address, if the person’s notified usual address changes;
  - (b) notice of a relevant person’s UK contact address, if the person’s notified usual address is not in the United Kingdom;
  - (c) notice of a relevant person’s UK contact address, if the person’s notified UK contact address changes;
  - (d) evidence of any address notified in accordance with regulations under paragraph (a), (b) or (c).
- (2) Regulations under this paragraph may, in particular, make—
- (a) provision imposing a requirement on a person;
  - (b) provision about the rejection of information or evidence which there are reasonable grounds to suspect to be false.
- (3) Regulations under sub-paragraph (1)(d) may, in particular, make any provision of the kind that may be made under paragraph 3(2).
- (4) In this paragraph—
- “notified”, in relation to an address of a relevant person, means notified (whether to the Secretary of State or another person) in connection with the proposed Scottish or Northern Ireland marriage or civil partnership (including any such address notified in accordance with provision made by an extension order or regulations made under this paragraph);
  - “relevant person” means a person who is a party to a proposed Scottish or Northern Ireland marriage or civil partnership in a case where that person or the other party is not a relevant national (or both of them are not relevant nationals);



**Immigration Bill, *continued***

“UK contact address” means an address in the United Kingdom at which a person can be contacted by post.

*Referral*

- 5 (1) The Secretary of State may make regulations requiring a person to act in accordance with the regulations when complying with a duty of referral.
- (2) The regulations may, in particular, make provision about—
- (a) the form, manner or timing of the referral;
  - (b) information, photographs or evidence — or copies of any of those things — to be included with the referral.
- (3) The Secretary of State may make regulations requiring a person who refers a proposed marriage or civil partnership in accordance with a duty of referral to give the parties to the proposed marriage information prescribed in the regulations about—
- (a) the effects of the referral;
  - (b) any requirements under regulations under paragraph 4 to notify the Secretary of State of changes of address.
- (4) In this paragraph—
- “duty of referral” means a duty (whether or not contained in provision made by an extension order) to refer a proposed Scottish or Northern Ireland marriage or civil partnership to the Secretary of State for the purposes of the referral and investigation scheme;
  - “referral” means the referral of a proposed Scottish or Northern Ireland marriage or civil partnership under a duty of referral.

*Applications for shortening of waiting period*

- 6 (1) The Secretary of State may make regulations about the making, and granting, of applications for the shortening of a waiting period in cases where a proposed Scottish or Northern Ireland marriage or civil partnership is referred to the Secretary of State in accordance with a duty of referral.
- (2) Regulations may be made under this paragraph—
- (a) whether the application falls to be made by virtue of provision made by an extension order or otherwise;
  - (b) whether the application falls to be made to the Secretary of State or another person.
- (3) In this paragraph—
- “duty of referral” has the same meaning as in paragraph 5;
  - “waiting period”, in relation to a proposed Scottish or Northern Ireland marriage or civil partnership, means a period during which it is not possible for the marriage to be solemnized or civil partnership to be formed (but which falls after notice of the proposed marriage or civil partnership has been given for the purposes of enabling it to be solemnized or formed in due course).<sup>2</sup>

Secretary Theresa May

Schedule 4, page 61, leave out line 9.

28

Secretary Theresa May

Schedule 4, page 61, leave out line 12.

29

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**Immigration Bill, *continued***

Secretary Theresa May

30

Schedule 4, page 61, line 22, at end insert—

‘( ) But this section does not apply if section 39A applies to the proposed marriage.’

Secretary Theresa May

31

Schedule 4, page 61, line 33, leave out from beginning to end of line 15 on page 62 and insert—

‘(6) If the notice contains the statement referred to in the first column of an entry in this table, the notice must be accompanied by the information and photographs referred to in the second column of that entry (insofar as that entry is applicable to the parties to the proposed marriage)—

<i>If the notice includes this statement...</i>	<i>...the notice must be accompanied by...</i>
Statement A (in respect of one or both of the parties to the proposed marriage)	For each party in respect of whom statement A is made, details of the particular immigration status which that party has
Statement B (in respect of one or both of the parties to the proposed marriage)	1. For each party, a specified photograph of that party 2. For each party in respect of whom statement B is made, details of the relevant visa which that party has
Statement C (in respect of one or both of the parties to the proposed marriage)	1. For each party, a specified photograph of that party 2. For each party, the usual address of that party 3. For each party whose usual address is outside the United Kingdom, an address in the United Kingdom at which that party can be contacted by post 4. For each party who has previously used any name or names other than the person’s name stated in the notice in accordance with section 27(3), a statement of the other name or names 5. For each party who currently uses, or has previously used, an alias or aliases, a statement of the alias or aliases

(6A) If the notice contains more than one of statements A, B and C, subsection (6) must be complied with in relation to each of those statements; but where the notice contains statements B and C, subsection (6) does not require the notice to be accompanied by more than one specified photograph of each party.’

Secretary Theresa May

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Schedule 4, page 62, line 27, leave out sub-paragraph (8).

Secretary Theresa May

33

Schedule 4, page 64, line 11, leave out from beginning to “‘specified’ in line 21

**Immigration Bill, *continued***

and insert—

- ‘(a) photographs and addresses of the kinds referred to in paragraphs 1 and 2 in the relevant entry in section 27E(6);
- (b) as respects the usual address of each party that is provided in accordance with paragraph (a), specified evidence that the address provided is that party’s usual address; and
- (c) addresses, names and aliases of the kinds referred to in paragraphs 3 to 5 in the relevant entry in section 27E(6) (insofar as those paragraphs are applicable to the parties to the proposed marriage).

(7) In this section—

“relevant entry in section 27E(6)” means the second column of the last entry in the table in section 27E(6);’.

Secretary Theresa May

Schedule 4, page 69, leave out lines 22 and 23.

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Secretary Theresa May

Schedule 4, page 70, line 33, after ‘application’ insert ‘to the applicant and’.

35

Secretary Theresa May

Schedule 4, page 72, line 34, at end insert—

36

*‘One party resident in Scotland*

In section 37 (one party resident in Scotland), in subsection (1)(b), for the words from “with” to “Act” (in the first place) insert “with section 27 and the other provisions of this Act”.

*Proof of certain matters not necessary to validity of marriages*

In section 48 (proof of certain matters not necessary to validity of marriages), in subsection (1)—

- (a) omit the word “or” at the end of paragraph (e) (inserted by paragraph 14(c) of Schedule 7 to the Marriage (Same Sex Couples) Act 2013);
- (b) at the end of paragraph (ea) (inserted by that provision of the Marriage (Same Sex Couples) Act 2013) insert “or
  - (eb) that, in the case of a marriage to which Schedule 3A applied, any of the events listed in paragraph 2(2) to (6) of that Schedule occurred.”’.

Secretary Theresa May

Schedule 4, page 73, line 28, at end insert—

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‘() But this section does not apply if Schedule 3 applies to the proposed civil partnership.’.

Secretary Theresa May

Schedule 4, page 74, leave out lines 1 to 25 and insert—

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**Immigration Bill, continued**

- (6) If the notice contains the statement referred to in the first column of an entry in this table, the notice must be accompanied by the information and photographs referred to in the second column of that entry (insofar as that entry is applicable to the parties to the proposed civil partnership)—

<i>If the notice includes this statement...</i>	<i>...the notice must be accompanied by...</i>
Statement A (in respect of one or both of the parties to the proposed civil partnership)	For each party in respect of whom statement A is made, details of the particular immigration status which that party has
Statement B (in respect of one or both of the parties to the proposed civil partnership)	1. For each party, a specified photograph of that party 2. For each party in respect of whom statement B is made, details of the relevant visa which that party has
Statement C (in respect of one or both of the parties to the proposed civil partnership)	1. For each party, a specified photograph of that party 2. For each party, the usual address of that party 3. For each party whose usual address is outside the United Kingdom, an address in the United Kingdom at which that party can be contacted by post 4. For each party who has previously used any name or names other than the person's name stated in the notice of proposed civil partnership in accordance with regulations under section 8(2), a statement of the other name or names 5. For each party who currently uses, or has previously used, an alias or aliases, a statement of the alias or aliases

- (6A) If the notice contains more than one of statements A, B and C, subsection (6) must be complied with in relation to each of those statements; but where the notice contains statements B and C, subsection (6) does not require the notice to be accompanied by more than one specified photograph of each party.’.

Secretary Theresa May

Schedule 4, page 74, line 37, leave out sub-paragraph (8).

39

Secretary Theresa May

Schedule 4, page 76, line 7, leave out from beginning to “‘specified’ in line 18 and insert—

40

- (a) photographs and addresses of the kinds referred to in paragraphs 1 and 2 in the relevant entry in section 8A(6);
- (b) as respects the usual address of each party that is provided in accordance with paragraph (a), specified evidence that the address provided is that party's usual address; and
- (c) addresses, names and aliases of the kinds referred to in paragraphs 3 to 5 in the relevant entry in section 8A(6) (insofar as those paragraphs are applicable to the parties to the proposed civil partnership).

**Immigration Bill, continued**

- (7) In this section—  
 “relevant entry in section 8A(6)” means the second column of the last entry in the table in section 8A(6);’.

Secretary Theresa May 41  
 Schedule 4, page 78, line 34, at end insert—  
 ‘(a) the applicant.’

Secretary Theresa May 42  
 Schedule 4, page 80, line 24, leave out ‘proposed’ and insert ‘referred’.

Secretary Theresa May 43  
 Schedule 4, page 84, line 6, at end insert—

*Proof of certain matters not necessary to validity of civil partnership*

In section 52 (proof of certain matters not necessary to validity of civil partnership), in subsection (1)—

- (a) omit the word “or” at the end of paragraph (a);
- (b) at the end of paragraph (aa) insert “or  
 (ab) that, in the case of a civil partnership to which Schedule 3A applied, any of the events listed in paragraph 2(2) to (6) of that Schedule occurred.”’.

Secretary Theresa May 44  
 Schedule 5, page 85, line 41, leave out sub-paragraph (2).

*Power to charge fees for attendance services in particular cases*

Secretary Theresa May NC12

To move the following Clause:—

- ‘(1) This section applies where a person exercises a function in connection with immigration or nationality in respect of which a fee is chargeable by virtue of a fees order (a “chargeable function”) in a particular case and—
  - (a) in doing so attends at a place outside the United Kingdom, and time, agreed with a person (“the client”), and
  - (b) does so at the request of the client.
 It is immaterial whether or not the client is a person in respect of whom the chargeable function is exercised.
- (2) In this section “attendance service” means the service described in subsection (1) except so far as it consists of the exercise of a chargeable function.
- (3) The following are to be disregarded in determining whether a fee is chargeable in respect of a function by virtue of a fees order—
  - (a) any exception provided for by a fees order or fees regulations;
  - (b) any power so provided to waive or refund a fee.

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**Immigration Bill, *continued***

- (4) The person exercising the chargeable function may charge the client such fee for the purposes of recovering the costs of providing the attendance service as the person may determine.
- (5) Fees paid to the Secretary of State by virtue of this section must be paid into the Consolidated Fund.
- (6) A fee payable by virtue of this section may be recovered as a debt due to the Secretary of State.
- (7) This section is without prejudice to—
  - (a) section {j0601};
  - (b) section 1 of the Consular Fees Act 1980 (fees for consular acts etc.);
  - (c) section 102 of the Finance (No. 2) Act 1987 (government fees and charges), or
  - (d) any other power to charge a fee.’

Secretary Theresa May

45

Clause 60, page 46, line 37, leave out from beginning to ‘may’ in line 12 on page 47 and insert—

- ‘(3) A fees order—
- (a) must specify how the fee in respect of the exercise of each specified function is to be calculated, and
  - (b) ’.

Secretary Theresa May

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Clause 60, page 47, line 14, at end insert—

- ‘(3A) For any specified fee, a fees order must provide for it to comprise one or more amounts each of which is—
- (a) a fixed amount, or
  - (b) an amount calculated by reference to an hourly rate or other factor.
- (3B) Where a fees order provides for a fee (or part of a fee) to be a fixed amount, it—
- (a) must specify a maximum amount for the fee (or part), and
  - (b) may specify a minimum amount.
- (3C) Where a fees order provides for a fee (or part of a fee) to be calculated as mentioned in subsection (3A)(b), it—
- (a) must specify—
    - (i) how the fee (or part) is to be calculated, and
    - (ii) a maximum rate or other factor, and
  - (b) may specify a minimum rate or other factor.
- (3D) For any specified fee, the following are to be set by the Secretary of State by regulations (“fees regulations”)—
- (a) if the fee (or any part of it) is to be a fixed amount, that amount;
  - (b) if the fee (or any part of it) is to be calculated as mentioned in subsection (3A)(b), the hourly rate or other factor by reference to which it (or that part) is to be calculated.’

Secretary Theresa May

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Clause 60, page 47, line 15, leave out ‘The’ and insert ‘An’.

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**Immigration Bill, *continued***

- Secretary Theresa May 48  
 Clause 60, page 47, line 15, leave out ‘in respect’ and insert ‘for a fee in respect of the exercise’.
- Secretary Theresa May 49  
 Clause 60, page 47, line 18, leave out ‘the function’ and insert ‘that amount, or rate or other factor’.
- Secretary Theresa May 50  
 Clause 60, page 47, line 19, leave out ‘specified for the function’ and insert ‘so specified’.
- Secretary Theresa May 51  
 Clause 60, page 47, line 32, at end insert—  
 ‘ This is subject to section {j0602}(5).’
- Secretary Theresa May 52  
 Clause 60, page 47, line 44, after ‘section’ insert ‘and sections {j0602} and (*Power to charge fees for attendance services in particular cases*)’.
- Secretary Theresa May 53  
 Clause 60, page 48, line 11, after ‘section’ insert ‘or section (*Power to charge fees for attendance services in particular cases*)’.
- Secretary Theresa May 54  
 Schedule 8, page 109, line 1, leave out from beginning to end of line 5.
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