

LORDS AMENDMENTS TO THE  
**IMMIGRATION BILL**

*[The page and line references are to HL Bill 79, the bill as first printed for the Lords]*

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**Clause 1**

- 1** Page 1, line 14, after “allowances” insert “, and  
(b) pay or make provision for the payment of such pension to or in respect of the Director,”

**Clause 2**

- 2** Page 2, line 17, leave out “whose officers” and insert “whom, or by whose officers,”
- 3** Page 2, line 19, at end insert—  
    “(iii) the information, or descriptions of information, that should be provided to the Director for the purposes of his or her functions by any person by whom, or by whose officers, labour market enforcement functions are exercisable, and  
    (iv) the form and manner in which, and frequency with which, that information should be provided,”
- 4** Page 2, line 24, leave out “subsection (2)(b)” and insert “paragraph (b) of subsection (2)”
- 5** Page 2, line 25, leave out “concerned” and insert “mentioned in sub-paragraphs (i) and (ii) of that paragraph”
- 6** Page 2, line 35, leave out subsection (7)

**Clause 3**

- 7** Page 2, line 40, leave out paragraph (a)
- 8** Page 2, line 41, at end insert—  
    “( ) failure to comply with the requirement under section 1 of the National Minimum Wage Act 1998 (workers to be paid at least national minimum wage);  
    ( ) failure to pay any financial penalty required to be paid by a notice of underpayment served under section 19 of that Act (see section 19A of that Act);

- ( ) breach of a condition of a licence granted under section 7 of the Gangmasters (Licensing) Act 2004;
  - ( ) failure to comply with any other requirement imposed by or under any enactment and which is prescribed by regulations made by the Secretary of State.”
- 9 Page 2, line 45, leave out from “officer” to end of line 46 and insert “acting for the purposes of that Act (see section 8A of that Act),”
- 10 Page 3, line 2, leave out from “1998 (” to second “of” in line 3 and insert “see section 13”
- 11 Page 3, line 3, at end insert –
  - “( ) any function of the Gangmasters and Labour Abuse Authority conferred by section 1(2)(a) to (c) of the Gangmasters (Licensing) Act 2004,”
- 12 Page 3, line 4, leave out from “officer” to “of” in line 6 and insert “or a compliance officer acting for the purposes of that Act (see section 15”
- 13 Page 3, line 6, after “Act),” insert –
  - “( ) any function of the Gangmasters and Labour Abuse Authority under Part 2 of the Modern Slavery Act 2015 (slavery and trafficking prevention orders etc),
  - ( ) any function of an officer of that Authority acting for the purposes of Part 1 or 2 of that Act (see sections 11A and 30A of that Act),
  - ( ) any function of an enforcing authority under this Chapter,
  - ( ) any function an officer has by virtue of section (*Investigative functions*),”
- 14 Page 3, line 9, leave out subsection (3)
- 15 Page 3, line 16, at end insert “other than one under section 9(4)(b) of that Act”
- 16 Page 3, line 24, at end insert –
  - “( ) an offence under section 30(1) or (2) of that Act which is committed in relation to –
    - (i) an order which was made on the application of the Gangmasters and Labour Abuse Authority, or
    - (ii) an order which was made under section 14 of that Act and which falls within subsection (4A) below;
  - ( ) an offence under section (*Offence*);”
- 17 Page 3, line 26, at end insert –
  - “(fa) an offence of attempting or conspiring to commit an offence mentioned in paragraphs (a) to (f);
  - (fb) an offence under Part 2 of the Serious Crime Act 2007 in relation to an offence so mentioned;
  - (fc) an offence of inciting a person to commit an offence so mentioned;
  - (fd) an offence of aiding, abetting, counselling or procuring the commission of an offence so mentioned.”

18 Page 3, line 26, at end insert—

- “(4A) An order made under section 14 of the Modern Slavery Act 2015 falls within this subsection if—
- (a) the order was made following—
    - (i) the conviction of the defendant of an offence mentioned in subsection (4)(d), (e) or (fa) to (fd), or
    - (ii) a finding of a kind mentioned in section 14(1)(b) or (c) of that Act in connection with any such offence, and
  - (b) the prosecution resulted from an investigation conducted by a labour abuse prevention officer (within the meaning of section 114B of the Police and Criminal Evidence Act 1984).”

19 Page 3, line 27, leave out subsection (5)

#### After Clause 5

20 Insert the following new Clause—

##### “Information gateways

- (1) A person may disclose information to the Director or a relevant staff member if the disclosure is made for the purposes of the exercise of any function of the Director.
- (2) Information obtained by the Director or a relevant staff member in connection with the exercise of any function of the Director may be used by the Director or a relevant staff member in connection with the exercise of any other function of the Director.
- (3) The Director or a relevant staff member may disclose information obtained in connection with the exercise of any function of the Director to a specified person if the disclosure is made for the purposes of the exercise of any function of the specified person.
- (4) “Specified person” means a person specified in Schedule (*Persons to whom Director etc may disclose information*) (persons to whom Director etc may disclose information).
- (5) The Secretary of State may by regulations amend Schedule (*Persons to whom Director etc may disclose information*).
- (6) In this section, “relevant staff member” means a member of staff provided to the Director under section 1(4).”

21 Insert the following new Clause—

##### “Information gateways: supplementary

- (1) A disclosure of information which is authorised by section (*Information gateways*) does not breach—
  - (a) an obligation of confidence owed by the person making the disclosure, or
  - (b) any other restriction on the disclosure of information (however imposed).
- (2) But nothing in section (*Information gateways*) authorises the making of a disclosure which—
  - (a) contravenes the Data Protection Act 1998, or

- (b) is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.
- (3) Section (*Information gateways*) does not limit the circumstances in which information may be disclosed apart from that section.
- (4) Section (*Information gateways*)(1) does not authorise a person serving in an intelligence service to disclose information to the Director or a relevant staff member.  
But this does not affect the disclosures which such a person may make in accordance with intelligence service disclosure arrangements.
- (5) Intelligence service information may not be disclosed by the Director or a relevant staff member without authorisation from the appropriate service chief.
- (6) If the Director or a relevant staff member has disclosed intelligence service information to a person, that person may not further disclose that information without authorisation from the appropriate service chief.
- (7) HMRC information may not be disclosed by the Director or a relevant staff member without authorisation from HMRC Commissioners.
- (8) If the Director or a relevant staff member has disclosed HMRC information to a person, that person may not further disclose that information without authorisation from HMRC Commissioners.
- (9) Subsections (7) and (8) do not apply to national minimum wage information.
- (10) If a person contravenes subsection (7) or (8) by disclosing revenue and customs information relating to a person whose identity –  
(a) is specified in the disclosure, or  
(b) can be deduced from it,  
section 19 of the Commissioners for Revenue and Customs Act 2005 (wrongful disclosure) applies in relation to that disclosure as it applies in relation to a disclosure of such information in contravention of section 20(9) of that Act.
- (11) In this section –  
“appropriate service chief” means –  
(a) the Director-General of the Security Service (in the case of information obtained by the Director or a relevant staff member from that Service or a person acting on its behalf);  
(b) the Chief of the Secret Intelligence Service (in the case of information so obtained from that Service or a person acting on its behalf);  
(c) the Director of GCHQ (in the case of information so obtained from GCHQ or a person acting on its behalf);  
“GCHQ” has the same meaning as in the Intelligence Services Act 1994;  
“HMRC information” means information disclosed to the Director or a relevant staff member under section (*Information gateways*) by HMRC Commissioners or a person acting on behalf of HMRC Commissioners;  
“intelligence service” means –  
(a) the Security Service;

(b) the Secret Intelligence Service;

(c) GCHQ;

“intelligence service disclosure arrangements” means –

(a) arrangements made by the Director-General of the Security Service under section 2(2)(a) of the Security Service Act 1989 about the disclosure of information by that Service,

(b) arrangements made by the Chief of the Intelligence Service under section 2(2)(a) of the Intelligence Services Act 1994 about the disclosure of information by that Service, and

(c) arrangements made by the Director of GCHQ under section 4(2)(a) of that Act about the disclosure of information by GCHQ;

“intelligence service information” means information obtained from an intelligence service or a person acting on behalf of an intelligence service;

“national minimum wage information” means information obtained by an officer in the course of acting –

(a) for the purposes of the National Minimum Wage Act 1998 (see section 13 of that Act), or

(b) by virtue of section (*Investigative functions*)(2);

“relevant staff member” has the same meaning as in section (*Information gateways*);

“revenue and customs information relating to a person” has the meaning given in section 19(2) of the Commissioners for Revenue and Customs Act 2005.”

### Clause 6

22

Page 4, line 31, at end insert –

- “(2) The Director may request any person by whom, or by whose officers, labour market enforcement functions are exercisable to provide the Director with any non-compliance information specified or of a description specified in the request.
- (3) “Non-compliance information” means information relating to non-compliance in the labour market which the Director considers would facilitate the exercise of any of his or her functions.
- (4) A person by whom, or by whose officers, labour market enforcement functions are exercisable may request the Director to provide the person, or an officer of the person, with any enforcement information specified or of a description specified in the request.
- (5) “Enforcement information” means information which the person making the request considers would facilitate the exercise of any labour market enforcement function of the person or of an officer of the person.
- (6) A person who receives a request under this section must respond to it in writing within a reasonable period.”

**After Clause 7**

23 Insert the following new Clause –

*“Gangmasters and Labour Abuse Authority*

**Renaming of Gangmasters Licensing Authority**

- (1) The Gangmasters Licensing Authority is renamed the Gangmasters and Labour Abuse Authority.
- (2) In any enactment passed before the day on which this section comes into force, and in any instrument or other document made before that day, references to the Gangmasters Licensing Authority are to be read, in relation to any time on or after that day, as references to the Gangmasters and Labour Abuse Authority.”

24 Insert the following new Clause –

**“Functions in relation to labour market**

- (1) Schedule (*Functions in relation to labour market*) (functions in relation to labour market) has effect.
- (2) The Secretary of State may by regulations confer other functions on the Gangmasters and Labour Abuse Authority or its officers.”

25 Insert the following new Clause –

**“PACE powers in England and Wales for labour abuse prevention officers**

- (1) After section 114A of the Police and Criminal Evidence Act 1984 insert –

**“114B Application of Act to labour abuse prevention officers**

- (1) The Secretary of State may by regulations apply any provision of this Act which relates to investigations of offences conducted by police officers to investigations of labour market offences conducted by labour abuse prevention officers.
- (2) The regulations may apply provisions of this Act with any modifications specified in the regulations.
- (3) In this section “labour abuse prevention officer” means an officer of the Gangmasters and Labour Abuse Authority who –
  - (a) falls within subsection (4), and
  - (b) is authorised (whether generally or specifically) by the Secretary of State for the purposes of this section.
- (4) An officer of the Gangmasters and Labour Abuse Authority falls within this subsection if he or she is –
  - (a) acting for the purposes of the Employment Agencies Act 1973 (see section 8A of that Act),
  - (b) acting for the purposes of the National Minimum Wage Act 1998 (see section 13 of that Act),
  - (c) acting for the purposes of the Gangmasters (Licensing) Act 2004 as an enforcement officer within the meaning of section 15 of that Act,
  - (d) acting for the purposes of Part 1 or 2 of the Modern Slavery Act 2015 (see sections 11A and 30A of that Act), or

- (e) acting for any other purpose prescribed in regulations made by the Secretary of State.
- (5) The investigations for the purposes of which provisions of this Act may be applied by regulations under this section include investigations of offences committed, or suspected of having been committed, before the coming into force of the regulations or of this section.
- (6) Regulations under this section are to be made by statutory instrument.
- (7) Regulations under this section may make—
- (a) different provision for different purposes;
  - (b) provision which applies generally or for particular purposes;
  - (c) incidental, supplementary, consequential, transitional or transitory provision or savings.
- (8) Regulations under subsection (4)(e) may, in particular, make such provision amending, repealing or revoking any enactment as the Secretary of State considers appropriate in consequence of any provision made by the regulations.
- (9) A statutory instrument containing regulations under subsection (4)(e) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (10) Any other statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) In this section—
- “enactment” includes an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;
- “labour market offence” has the meaning given in section 3 of the Immigration Act 2016.”
- (2) In section 18 of the Gangmasters (Licensing) Act 2004 (obstruction of officers), in subsection (1)(a), after “this Act” insert “or functions conferred by virtue of section 114B of the Police and Criminal Evidence Act 1984 (application of that Act to Authority officers)”.

26

Insert the following new Clause—

**“Relationship with other agencies: requests for assistance**

- (1) The Gangmasters (Licensing) Act 2004 is amended as follows.
- (2) Before section 23 (but after the italic heading before it) insert—

**“22A Relationship with other agencies: requests for assistance**

- (1) The Authority may request any of the following to provide assistance to the Authority or any of its officers—
  - (a) a chief officer of police for a police area in England and Wales;
  - (b) the Director General of the National Crime Agency;

- (c) a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971;
  - (d) any other person prescribed or of a prescribed description.
- (2) The Authority may make a request under subsection (1) only if it considers that the assistance would facilitate the exercise of any function by the Authority or any of its officers.
- (3) Any of the following persons may request the Authority to provide assistance to the person –
- (a) a chief officer of police for a police area in England and Wales;
  - (b) a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971;
  - (c) any other person prescribed or of a prescribed description.
- (4) A person may make a request under subsection (3) only if the person considers that the assistance would facilitate the exercise by the person of any function.
- (5) A request under this section must –
- (a) set out what assistance is being requested, and
  - (b) explain how the assistance would facilitate the exercise of the function.
- (6) A person who receives a request under this section must respond to it in writing within a reasonable period.
- (7) Regulations under this section must not make provision which would be –
- (a) within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament,
  - (b) within the legislative competence of the National Assembly for Wales if contained in an Act of that Assembly, or
  - (c) within the legislative competence of the Northern Ireland Assembly if contained in an Act of that Assembly made without the consent of the Secretary of State.”
- (3) In section 25 (regulations, rules and orders), in subsection (5) –
- (a) omit the “or” at the end of paragraph (a);
  - (b) at the end insert “, or
  - (c) section 22A(1)(d) or (3)(c) (regulations regarding persons whom the Authority may request to provide assistance and who may request assistance from Authority).””

27

Insert the following new Clause –

*“Labour market enforcement undertakings*

**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 (*Measures in LME undertakings*)).
- (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;
  - (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."

28

Insert the following new Clause –

**"Measures in LME undertakings**

- (1) An LME undertaking may include a prohibition, restriction or requirement (each a "measure") if, and only if –
  - (a) the measure falls within subsection (2) or (3) (or both), and

- (b) the enforcing authority considers that the measure is just and reasonable.
- (2) A measure falls within this subsection if it is for the purpose of—
  - (a) preventing or reducing the risk of the subject not complying with any requirement imposed by or under the relevant enactment, or
  - (b) bringing to the attention of persons likely to be interested in the matter—
    - (i) the existence of the LME undertaking,
    - (ii) the circumstances in which it was given, and
    - (iii) any action taken (or not taken) by the subject in order to comply with the undertaking.
- (3) A measure falls within this subsection if it is prescribed, or is of a description prescribed, in regulations made by the Secretary of State.
- (4) The enforcing authority must not—
  - (a) invite the subject to give an LME undertaking, or
  - (b) agree to the form of an undertaking,unless the authority believes that at least one measure in the undertaking is necessary for the purpose mentioned in subsection (5).
- (5) That purpose is preventing or reducing the risk of the subject—
  - (a) committing a further trigger offence under the relevant enactment, or
  - (b) continuing to commit the trigger offence.
- (6) An LME undertaking must set out how each measure included for the purpose mentioned in subsection (2)(a) is expected to achieve that purpose.
- (7) In this section, the “relevant enactment” means the enactment under which the enforcing authority believes the trigger offence concerned has been or is being committed.”

29 Insert the following new Clause—

**“Duration**

- (1) An LME undertaking has effect from when it is accepted by the enforcing authority or from the later time specified in it for this purpose.
- (2) An LME undertaking has effect for the period specified in it but the maximum period for which an undertaking may have effect is 2 years.
- (3) The enforcing authority may release the subject from an LME undertaking.
- (4) The enforcing authority must release the subject from an LME undertaking if at any time during the period for which it has effect the authority believes that no measure in it is necessary for the purpose mentioned in section (*Measures in LME undertakings*)(5).
- (5) If the enforcing authority releases the subject from an LME undertaking it must take such steps as it considers appropriate to bring that fact to the attention of—
  - (a) the subject;
  - (b) any other persons likely to be interested in the matter.”

30 Insert the following new Clause –

**“Further provision about giving notice under section (*Power to request LME undertaking*)**

- (1) A notice may be given under section (*Power to request LME undertaking*) to a person by –
  - (a) delivering it to the person,
  - (b) leaving it at the person’s proper address,
  - (c) sending it by post to the person at that address, or
  - (d) subject to subsection (6), sending it to the person by electronic means.
- (2) A notice to a body corporate may be given to any officer of that body.
- (3) A notice to a partnership may be given to any partner.
- (4) A notice to an unincorporated association (other than a partnership) may be given to any member of the governing body of the association.
- (5) For the purposes of this section and of section 7 of the Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of a person is the person’s last known address (whether of the person’s residence or of a place where the person carries on business or is employed) and also –
  - (a) in the case of a body corporate or an officer of the body, the address of the body’s registered or principal office in the United Kingdom;
  - (b) in the case of a partnership or a partner, the address of the principal office of the partnership in the United Kingdom;
  - (c) in the case of an unincorporated association (other than a partnership) or a member of its governing body, the principal office of the association in the United Kingdom.
- (6) A notice may be sent to a person by electronic means only if –
  - (a) the person has indicated that notices under section (*Power to request LME undertaking*) may be given to the person by being sent to an electronic address and in an electronic form specified for that purpose, and
  - (b) the notice is sent to that address in that form.
- (7) A notice sent to a person by electronic means is, unless the contrary is proved, to be treated as having been given on the working day immediately following the day on which it was sent.
- (8) In this section –
  - “electronic address” means any number or address used for the purposes of sending or receiving documents or information by electronic means;
  - “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body;
  - “working day” means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.”

31 Insert the following new Clause –

*“Labour market enforcement orders*

**Power to make LME order on application**

- (1) The appropriate court may, on an application by an enforcing authority under section (*Applications*), make a labour market enforcement order against a person if the court –
  - (a) is satisfied, on the balance of probabilities, that the person has committed, or is committing, a trigger offence, and
  - (b) considers that it is just and reasonable to make the order.
- (2) A labour market enforcement order (an “LME order”) is an order which –
  - (a) prohibits or restricts the person against whom it is made (“the respondent”) from doing anything set out in the order;
  - (b) requires the respondent to do anything set out in the order.
 See section (*Measures in LME orders*).
- (3) In this section “the appropriate court” –
  - (a) where the conduct constituting the trigger offence took or is taking place primarily in England and Wales, means a magistrates’ court;
  - (b) where that conduct took or is taking place primarily in Scotland, means the sheriff;
  - (c) where that conduct took or is taking place primarily in Northern Ireland, means a court of summary jurisdiction.
- (4) An application for an LME order under this section is –
  - (a) in England and Wales, to be made by complaint;
  - (b) in Northern Ireland, to be made by complaint under Part 8 of the Magistrates’ Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)).”

32 Insert the following new Clause –

**“Applications**

- (1) An enforcing authority may apply for an LME order to be made under section (*Power to make LME order on application*) against a person (the “proposed respondent”) if –
  - (a) the authority has served a notice on the proposed respondent under section (*Power to request LME undertaking*), and
  - (b) the proposed respondent –
    - (i) refuses to give an LME undertaking, or
    - (ii) otherwise fails, before the end of the negotiation period, to give an LME undertaking in the form attached to the notice or in such other form as may be agreed with the enforcing authority.
- (2) An enforcing authority may also apply for an LME order if the proposed respondent –
  - (a) has given an LME undertaking to the enforcing authority, and
  - (b) has failed to comply with the undertaking.
- (3) In subsection (1) “the negotiation period” means –
  - (a) the period of 14 days beginning with the day after that on which the notice mentioned in paragraph (a) of that subsection was given, or

- (b) such longer period as may be agreed between the enforcing authority and the proposed respondent.”

33 Insert the following new Clause –

**“Power to make LME order on conviction**

- (1) This section applies where a court deals with a person in respect of a conviction for a trigger offence.
- (2) The court may make an LME order against the person if the court considers it is just and reasonable to do so.
- (3) An LME order must not be made under this section except –
  - (a) in addition to a sentence imposed in respect of the offence concerned, or
  - (b) in addition to an order discharging the person conditionally or, in Scotland, discharging the person absolutely.”

34 Insert the following new Clause –

**“Measures in LME orders**

- (1) An LME order may include a prohibition, restriction or requirement (each a “measure”) if, and only if, the measure falls within subsection (2) or (3) (or both).
- (2) A measure falls within this subsection if it is for the purpose of –
  - (a) preventing or reducing the risk of the respondent not complying with any requirement imposed by or under the relevant enactment, or
  - (b) bringing to the attention of persons likely to be interested in the matter –
    - (i) the existence of the LME order,
    - (ii) the circumstances in which it was made, and
    - (iii) any action taken (or not taken) by the respondent in order to comply with the order.
- (3) A measure falls within this subsection if it is prescribed, or is of a description prescribed, in regulations made by the Secretary of State.
- (4) Where an LME order includes a measure for the purpose mentioned in subsection (2)(a), the order must set out how the measure is expected to achieve that purpose.
- (5) In this section the “relevant enactment” means the enactment under which the trigger offence concerned has been or is being committed.”

35 Insert the following new Clause –

**“Further provision about LME orders**

- (1) An LME order has effect for the period specified in it but the maximum period for which an order may have effect is 2 years.
- (2) An LME order may not be made against an individual who is under 18.
- (3) If a court makes an LME order, the court may also –
  - (a) release the respondent from any LME undertaking given in relation to the trigger offence concerned;

- (b) discharge any other LME order which is in force against the respondent and which was made by the court or any other court in the same part of the United Kingdom as the court.”

36 Insert the following new Clause –

**“Variation and discharge**

- (1) The appropriate court may by order vary or discharge an LME order –
  - (a) on the application of the respondent;
  - (b) if the order was made under section (*Power to make LME order on application*), on the application of the enforcing authority who applied for the order;
  - (c) if the order was made under section (*Power to make LME order on conviction*), on the application of the enforcing authority whose officer conducted the investigation which resulted in the prosecution of the respondent for the trigger offence.
- (2) In this section “the appropriate court” –
  - (a) in relation to an LME order made in England and Wales (whether made under section (*Power to make LME order on application*) or (*Power to make LME order on conviction*), means a magistrates’ court;
  - (b) in relation to such an order made in Scotland, means the sheriff;
  - (c) in relation to such an order made in Northern Ireland, means a court of summary jurisdiction.
- (3) An application for an order under this section is –
  - (a) if made to a magistrates’ court in England and Wales, to be made by complaint;
  - (b) if made to a court of summary jurisdiction in Northern Ireland, to be made by complaint under Part 8 of the Magistrates’ Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)).”

37 Insert the following new Clause –

**“Appeals**

- (1) A respondent may appeal against –
  - (a) the making of an LME order under section (*Power to make LME order on application*);
  - (b) the making of, or refusal to make, an order under section (*Variation and discharge*).
- (2) An appeal under subsection (1) is to be made –
  - (a) where the order was made or refused by a magistrates’ court in England and Wales, to the Crown Court;
  - (b) where the order was made or refused by the sheriff, to the Sheriff Appeal Court;
  - (c) where the order was made or refused by a court of summary jurisdiction in Northern Ireland, to a county court.
- (3) On an appeal under subsection (1) the court hearing the appeal may make such orders as may be necessary to give effect to its determination of the appeal, and may also make such incidental or consequential orders as appear to it to be just and reasonable.

- (4) An LME order that has been varied by virtue of subsection (3) remains an order of the court that first made it for the purposes of section (*Variation and discharge*).
- (5) A respondent may appeal against the making of an LME order under section (*Power to make LME order on conviction*) as if the order were a sentence passed on the respondent for the trigger offence.”

38 Insert the following new Clause –

*“LME undertakings and orders: supplementary*

**Code of practice**

- (1) The Secretary of State must issue a code of practice giving guidance to enforcing authorities about the exercise of their functions under sections (*Power to request LME undertaking*) to (*Variation and discharge*).
- (2) The Secretary of State may revise the code from time to time.
- (3) The code and any revised code –
  - (a) must not be issued unless a draft has been laid before Parliament, and
  - (b) comes into force on such day as the Secretary of State appoints by regulations.
- (4) The Secretary of State must publish the code and any revised code.
- (5) An enforcing authority must have regard to the current version of the code in exercising its functions under sections (*Power to request LME undertaking*) to (*Variation and discharge*).”

39 Insert the following new Clause –

**“Investigative functions**

- (1) An officer acting for the purposes of the Employment Agencies Act 1973 –
  - (a) may also act for the purposes of taking action where it appears that a person has failed to comply with an LME undertaking or an LME order where the trigger offence to which the undertaking or order relates is an offence under that Act, and
  - (b) in doing so, has the same powers and duties as he or she has when acting for the purposes of that Act.
- (2) An officer acting for the purposes of the National Minimum Wage Act 1998 –
  - (a) may also act for the purposes of taking action where it appears that a person has failed to comply with an LME undertaking or an LME order where the trigger offence to which the undertaking or order relates is an offence under that Act, and
  - (b) in doing so, has the same powers and duties as he or she has when acting for the purposes of that Act.
- (3) An officer acting as an enforcement officer for the purposes of the Gangmasters (Licensing) Act 2004 –
  - (a) may also act for the purposes of taking action where it appears that a person has failed to comply with an LME undertaking or an LME order where the trigger offence to which the undertaking or order relates is an offence under that Act, and

- (b) in doing so, has the same powers and duties as he or she has when acting as an enforcement officer for the purposes of that Act.
- (4) 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.”

40 Insert the following new Clause –

**“Offence**

- (1) A person against whom an LME order is made commits an offence if the person, without reasonable excuse, fails to comply with the order.
- (2) A person guilty of an offence under this section is liable –
  - (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years, to a fine or to both;
  - (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months, to a fine or to both;
  - (c) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both;
  - (d) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding the statutory maximum or to both.
- (3) In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003, the reference in subsection (2)(b) to 12 months is to be read as a reference to 6 months.”

41 Insert the following new Clause –

**“Offences by bodies corporate**

- (1) If an offence under section (*Offence*) committed by a body corporate is proved –
  - (a) to have been committed with the consent or connivance of an officer of the body, or
  - (b) to be attributable to any neglect on the part of such an officer, the officer, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) In subsection (1) “officer”, in relation to a body corporate, means –
  - (a) a director, manager, secretary or other similar officer of the body;
  - (b) a person purporting to act in any such capacity.
- (3) If the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with the member’s functions of management as if the member were a director of the body corporate.”

42 Insert the following new Clause –

**“Application to unincorporated associations**

- (1) In a case falling within subsection (2), an unincorporated association is to be treated as a legal person for the purposes of sections (*Power to request LME undertaking*) to (*Offence*).

- (2) A case falls within this subsection if it relates to a trigger offence for which it is possible to bring proceedings against an unincorporated association in the name of the association.
- (3) Proceedings for an offence under section (*Offence*) alleged to have been committed by an unincorporated association may be brought against the association in the name of the association.
- (4) For the purposes of such proceedings –
  - (a) rules of court relating to the service of documents have effect as if the association were a body corporate, and
  - (b) the following provisions apply as they apply in relation to a body corporate –
    - (i) section 33 of the Criminal Justice Act 1925 and Schedule 3 to the Magistrates’ Courts Act 1980;
    - (ii) sections 70 and 143 of the Criminal Procedure (Scotland) Act 1995;
    - (iii) section 18 of the Criminal Justice Act (Northern Ireland) 1945 (c. 15 (N.I.)) and Schedule 4 to the Magistrates’ Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)).
- (5) A fine imposed on the association on its conviction of an offence is to be paid out of the funds of the association.
- (6) If an offence under section (*Offence*) committed by an unincorporated association is proved –
  - (a) to have been committed with the consent or connivance of an officer of the association, or
  - (b) to be attributable to any neglect on the part of such an officer, the officer, as well as the association, is guilty of the offence and liable to be proceeded against and punished accordingly.
- (7) In subsection (6) “officer”, in relation to any association, means –
  - (a) an officer of the association or a member of its governing body;
  - (b) a person purporting to act in such a capacity.”

43

Insert the following new Clause –

**“Application to partnerships**

- (1) If an offence under section (*Offence*) committed by a partner of a partnership which is not regarded as a legal person is shown –
  - (a) to have been committed with the consent or connivance of another partner, or
  - (b) to be attributable to any neglect on the part of another partner, that other partner, as well as the first-mentioned partner, is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) Proceedings for an offence under section (*Offence*) alleged to have been committed by a partnership which is regarded as a legal person may be brought against the partnership in the firm name.
- (3) For the purposes of such proceedings –
  - (a) rules of court relating to the service of documents have effect as if the partnership were a body corporate, and

- (b) the following provisions apply as they apply in relation to a body corporate—
  - (i) section 33 of the Criminal Justice Act 1925 and Schedule 3 to the Magistrates’ Courts Act 1980;
  - (ii) sections 70 and 143 of the Criminal Procedure (Scotland) Act 1995;
  - (iii) section 18 of the Criminal Justice Act (Northern Ireland) 1945 (c. 15 (N.I.)) and Schedule 4 to the Magistrates’ Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)).
- (4) A fine imposed on a partnership on its conviction of an offence is to be paid out of the funds of the partnership.
- (5) If an offence under section (*Offence*) committed by a partnership is proved—
  - (a) to have been committed with the consent or connivance of a partner, or
  - (b) to be attributable to any neglect on the part of a partner,
 the partner, as well as the partnership, is guilty of the offence and liable to be proceeded against and punished accordingly.
- (6) In subsections (1) and (5) “partner” includes a person purporting to act as a partner.
- (7) For the purposes of this section a partnership is, or is not, “regarded as a legal person” if it is, or is not, so regarded under the law of the country or territory under which it was formed.”

44 Insert the following new Clause—

*“Supplementary provision*

**Consequential and related amendments**

Schedule (*Consequential and related amendments*) (consequential and related amendments) has effect.”

45 Insert the following new Clause—

**“Regulations under Chapter 1**

- (1) Regulations under section 3 or (*Power to request LME undertaking*) must not prescribe a requirement, function or offence if provision imposing the requirement, conferring the function or creating the offence falls within subsection (3).
- (2) Regulations under section (*Functions in relation to labour market*) must not confer a function if provision doing so falls within subsection (3).
- (3) Provision falls within this subsection if—
  - (a) it would be within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament,
  - (b) it would be within the legislative competence of the National Assembly for Wales if contained in an Act of that Assembly, or
  - (c) it would be within the legislative competence of the Northern Ireland Assembly if contained in an Act of that Assembly made without the consent of the Secretary of State.

- (4) Regulations under section 3, (*Functions in relation to labour market*) or (*Power to request LME undertaking*) may make such provision amending, repealing or revoking any provision of any enactment, including this Chapter, as the Secretary of State considers appropriate in consequence of the regulations.”

46 Insert the following new Clause –

**“Interpretation of Chapter 1**

In this Chapter –

“the Director” has the meaning given by section 1;

“enactment” includes –

- (a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;
- (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
- (c) an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales;
- (d) an enactment contained in, or in an instrument made under, Northern Ireland legislation;

“enforcing authority” has the meaning given by section (*Power to request LME undertaking*);

“financial year” means a period of 12 months ending with 31 March;

“HMRC Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs;

“labour market enforcement function” has the meaning given by section 3;

“LME order” has the meaning given by section (*Power to make LME order on application*);

“LME undertaking” has the meaning given by section (*Power to request LME undertaking*);

“non-compliance in the labour market” has the meaning given by section 3;

“the respondent” has the meaning given by section (*Power to make LME order on application*);

“strategy” has the meaning given by section 2;

“subject” has the meaning given by section (*Power to request LME undertaking*);

“trigger offence” has the meaning given by section (*Power to request LME undertaking*).”

**Clause 8**

47 Page 5, line 6, after “person” insert “(“P”)”

48 Page 5, line 6, at end insert “– (a)”

49 Page 5, line 7, leave out “the person” and insert “P”

50 Page 5, line 7, leave out from “when” to end of line 16 and insert “P is disqualified from working by reason of P’s immigration status, and

- (b) at that time P knows or has reasonable cause to believe that P is disqualified from working by reason of P’s immigration status.

- (1A) For the purposes of subsection (1) a person is disqualified from working by reason of the person's immigration status if—
- (a) the person has not been granted leave to enter or remain in the United Kingdom, or
  - (b) the person's leave to enter or remain in the United Kingdom—
    - (i) is invalid,
    - (ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or
    - (iii) is subject to a condition preventing the person from doing work of that kind.”

51 Page 6, line 1, leave out “(1)” and insert “(1A)”

### Clause 9

52 Page 7, line 6, leave out subsection (1) and insert—

“(1) Section 21 of the Immigration, Asylum and Nationality Act 2006 (offence of knowingly employing illegal worker) is amended in accordance with subsections (1A) to (2).

(1A) In subsection (1) for the words from “an adult” to the end of the subsection substitute “disqualified from employment by reason of the employee's immigration status.”

(1B) After subsection (1) insert—

“(1A) A person commits an offence if the person—

- (a) employs another person (“the employee”) who is disqualified from employment by reason of the employee's immigration status, and
- (b) has reasonable cause to believe that the employee is disqualified from employment by reason of the employee's immigration status.

(1B) For the purposes of subsections (1) and (1A) a person is disqualified from employment by reason of the person's immigration status if the person is an adult subject to immigration control and—

- (a) the person has not been granted leave to enter or remain in the United Kingdom, or
- (b) the person's leave to enter or remain in the United Kingdom—
  - (i) is invalid,
  - (ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or
  - (iii) is subject to a condition preventing the person from accepting the employment.”

53 Page 7, line 9, leave out “In that section,”

54 Page 7, line 10, at end insert—

“(2A) Section 22 of the Immigration, Asylum and Nationality Act 2006 (offences by bodies corporate etc) is amended in accordance with subsections (2B) and (2C).

(2B) After subsection (1) insert –

“(1A) For the purposes of section 21(1A) a body (whether corporate or not) shall be treated as having reasonable cause to believe a fact about an employee if a person who has responsibility within the body for an aspect of the employment has reasonable cause to believe that fact.”

(2C) In each of subsections (2) and (4) after “21(1)” insert “or (1A)”.

(2D) In section 24(a) of the Immigration, Asylum and Nationality Act 2006 (immigration bail) for “21(1)” substitute “21(1B)”.

55 Page 7, line 17, after “21(1)” insert “or (1A)”

#### Clause 10

56 Page 7, line 33, leave out “relevant”

57 Page 7, line 40, leave out from “section” to end of line 2 on page 8 and insert ““enactment” includes –

- (a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;
- (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
- (c) an enactment contained in, or in an instrument made under, Northern Ireland legislation.”

#### Clause 11

58 Page 8, line 6, leave out subsections (2) to (5)

#### After Clause 12

59 Insert the following new clause –

#### **“Asylum seekers: permission to work after six months**

(1) The Immigration Act 1971 is amended as follows.

(2) After section 3(9) (general provisions for regulation and control) insert –

“(10) In making rules under subsection (2), the Secretary of State must provide for persons seeking asylum, within the meaning of the rules, to apply to the Secretary of State for permission to take up employment, including self-employment and voluntary work.

(11) Permission to work for persons seeking asylum must be granted if –

- (a) a decision has not been taken on the applicant’s asylum application within six months of the date on which it was recorded, or
- (b) an individual makes further submissions which raise asylum grounds and a decision on that new claim or to refuse to treat such further submissions as a new claim has not been taken within six months of the date on which the submissions were recorded.

- (12) Permission for a person seeking asylum to take up employment shall be on terms no less favourable than those upon which permission is granted to a person recognised as a refugee to take up employment.””

60 Insert the following new clause –

**“Overseas domestic workers**

For section 53 of the Modern Slavery Act 2015 (overseas domestic workers) substitute –

**“53 Overseas domestic workers**

- (1) Immigration rules must make provision for leave to remain in the United Kingdom to be granted to an overseas domestic worker.
- (2) Immigration rules must make provision as to the conditions on which such leave is to be granted, and must in particular provide –
  - (a) that the leave is to be for the purpose of working as a domestic worker in a private household;
  - (b) for a person who has such leave to be able to change employer, registering such change of leave with the Home Office.
- (3) Immigration rules may specify a maximum period for which a person may have leave to remain in the United Kingdom by virtue of subsection (1), and if they do so, the specified maximum period must not be less than 2½ years.
- (4) Immigration rules must provide for a period during which no enforcement action should be taken against such an overseas domestic worker in respect of his or her –
  - (a) remaining in the United Kingdom beyond the time limited by his or her leave to enter or remain, or
  - (b) breaching a condition of that leave relating to his or her employment if he or she wishes to change it.
- (5) The Secretary of State must issue guidance to persons having functions under the Immigration Acts about the exercise of those functions in relation to an overseas domestic worker who may be a victim of slavery or human trafficking.
- (6) The guidance must provide for an overseas domestic worker remaining in the UK for more than 42 days to be required to attend a group information session as defined in that guidance, within that period.
- (7) In this section –
  - “enforcement action” has the meaning given by section 24A of the Immigration Act 1971;
  - “immigration rules” has the same meaning as in that Act;
  - “overseas domestic worker” means a person who, under the immigration rules, has (or last had) leave to enter or remain in the United Kingdom as –
    - (a) a domestic worker in a private household, or
    - (b) a private servant in a diplomatic household.””

**Clause 13**

61 Page 9, line 26, at end insert—

“(5A) It is a defence for a person charged with an offence under subsection (1) to prove that—

- (a) the person has taken reasonable steps to terminate the residential tenancy agreement, and
- (b) the person has taken such steps within a reasonable period beginning with the time when the person first knew or had reasonable cause to believe that the premises were occupied by the adult mentioned in subsections (2) and (3).

(5B) In determining whether subsection (5A)(a) or (b) applies to a person, the court must have regard to any guidance which, at the time in question, had been issued by the Secretary of State for the purposes of that subsection and was in force at that time.

(5C) Guidance issued for the purposes of subsection (5A)—

- (a) must be laid before Parliament in draft before being issued, and
- (b) comes into force in accordance with regulations made by the Secretary of State.”

62 Page 9, line 27, leave out “subsections (1) to (5)” and insert “subsection (1)”

**Clause 14**

63 Page 12, line 7, after “writing” insert “and in the prescribed form”

**Clause 16**

64 Page 17, line 5, leave out “(including an enactment contained in this Act)”

**Clause 17**

65 Page 19, line 26, leave out “of the Environment” and insert “for Infrastructure”

66 Page 20, line 5, leave out “of the Environment” and insert “for Infrastructure”

67 Page 20, line 14, leave out “of the Environment” and insert “for Infrastructure”

68 Page 20, line 24, at end insert—

“( ) In the period (if any) between the coming into force of subsection (2) and the coming into force of the Departments Act (Northern Ireland) 2016, references to the Department for Infrastructure for Northern Ireland in paragraph 25CC(3)(b), (8) and (9)(b) of Schedule 2 to the Immigration Act 1971 (as inserted by subsection (2)) are to be read as references to the Department of the Environment for Northern Ireland.”

**Clause 18**

69 Page 20, line 29, after “if” insert “—(a)”

70 Page 20, line 31, at end insert “, and

- (b) at that time the person knows or has reasonable cause to believe that the person is not lawfully resident in the United Kingdom.”

- 71 Page 21, line 27, leave out “65 or”
- 72 Page 21, line 28, leave out “discharged or”
- 73 Page 21, line 34, leave out “on petition”
- 74 Page 21, line 34, leave out “an indictment or” and insert “a”
- 75 Page 22, line 8, at end insert—  
“( ) as to the destination of payments made in compliance with such a condition;”
- 76 Page 23, line 24, leave out “authorising entry on premises by a constable”
- 77 Page 23, line 26, leave out “by a constable”

#### Clause 25

- 78 Page 31, line 30, leave out “, or intends to make,”
- 79 Page 31, line 31, after “Act,” insert—  
“( ) to whom a notice has been given in accordance with regulations under section 105 of the Nationality, Immigration and Asylum Act 2002 (notice of decision) of a decision to make a deportation order against that person,”

#### Clause 30

- 80 Page 37, line 27, at end insert—  
“( ) The Criminal Law (Consolidation) (Scotland) Act 1995 is amended as follows.  
( ) In section 24A (extension of period of detention under section 24) for subsection (7) insert—  
“(7) In this section and section 24B, “custody review officer” means—  
(a) an officer who—  
(i) is of a rank at least equivalent to that of police inspector, and  
(ii) has not been involved in the investigation in connection with which the person is detained, or  
(b) in relation to the detention of a person under section 24 by an immigration officer, a constable—  
(i) of the rank of inspector or above, and  
(ii) who has not been involved in the investigation in connection with which the person is detained.”  
( ) In section 26A(2) (power of arrest of authorised immigration officers) omit “or immigration enforcement offence.”
- 81 Page 37, line 28, leave out “of the Criminal Law (Consolidation) (Scotland) Act 1995”
- 82 Page 37, line 37, leave out subsection (3) and insert—  
“( ) Omit the definition of “immigration enforcement offence.”

**After Clause 30**

83 Insert the following new Clause –

**“Powers to take fingerprints etc. from dependants**

- (1) Section 141 of the Immigration and Asylum Act 1999 (powers to take fingerprints from certain persons and their dependants) is amended as follows.
- (2) In subsection (7) for paragraph (f) substitute –
  - “(f) any person (“F”) who is –
    - (i) a member of the family of a person within any of paragraphs (a), (b) or (ca) to (e), or
    - (ii) a dependant of a person within paragraph (c)(i).”
- (3) In subsection (8)(f) after “person” insert “of whose family he is a member or”.
- (4) In subsection (9)(f) after “person” insert “of whose family he is a member or”.
- (5) After subsection (13) insert –
  - “(13A) For the purposes of subsection (7)(f)(i), a person is a member of the family of another person (“P”) if –
    - (a) the person is –
      - (i) P’s partner,
      - (ii) P’s child, or a child living in the same household as P in circumstances where P has care of the child,
      - (iii) in a case where P is a child, P’s parent, or
      - (iv) an adult dependant relative of P, and
    - (b) the person does not have a right of abode in the United Kingdom or indefinite leave to enter or remain in the United Kingdom.
  - (13B) In subsection (13A) “child” means a person who is under the age of 18.”
- (6) In subsection (14) for “(7)(f)” substitute “(7)(f)(ii)”.
- (7) Section 142 of the Immigration and Asylum Act 1999 (attendance for fingerprinting) is amended as follows.
- (8) In subsection (2) for “a dependant of” substitute “a member of the family of, or a dependant of,”.
- (9) In subsection (2A) for “a dependant of” substitute “a member of the family of”.
- (10) Until the commencement of the repeal of section 143 of the Immigration and Asylum Act 1999 (destruction of fingerprints) by paragraph 17(2) of Schedule 9 to the Immigration Act 2014, subsection (9) of that section has effect as if after “the person” there were inserted “of whose family he is a member or”.
- (11) In section 144A(2) (application of regulations about use and retention of fingerprints etc to dependants) after “the person” insert “of whose family F is a member or”.

84 Insert the following new Clause –

**“Immigration detention: time limit and judicial oversight**

- (1) Subject to the provisions of this section, a person may not be detained under any of the relevant powers –
  - (a) for a period longer than 28 days; or
  - (b) for periods of longer than 28 days in aggregate.
- (2) The First-tier Tribunal may –
  - (a) extend a period of detention; or
  - (b) further extend a period of detention,
 for such a period as is determined, on application made by the Secretary of State, on the basis that the exceptional circumstances of the case require extended detention.
- (3) The First-tier Tribunal has the power to review an extended period of detention without requiring the Secretary of State to make a new application.
- (4) This section does not apply to a person who –
  - (a) has been sentenced to a term of imprisonment for a term of 12 months or longer; or
  - (b) the Secretary of State has determined shall be deported.
- (5) Rules of procedure for the purposes of this section may be made by the Lord Chancellor.
- (6) In this section –
 

“First-tier Tribunal” means –

  - (a) in the case of an appeal against a decision on an asylum application which has not been determined, the chamber of the First-tier Tribunal dealing with the appeal; or
  - (b) in any other case, such chamber of the First-tier Tribunal as the Secretary of State considers appropriate;

“relevant powers” means powers to detain pursuant to –

  - (a) paragraph 16(1), (1A) or (2) of Schedule 2 to the Immigration Act 1971,
  - (b) paragraph 2(1), (2) or (3) of Schedule 3 to that Act,
  - (c) section 62 of the Nationality, Immigration and Asylum Act 2002, and
  - (d) section 36(1) of the UK Borders Act 2007.
- (7) In the case of a person to whom section 3(2) of the Special Immigration Appeals Commission Act 1997 applies (detention on grounds of national security), the Commission established under that Act shall be substituted for the First-tier Tribunal.”

**After Clause 31**

85 Insert the following new Clause –

*“Detention and bail***Guidance on detention of vulnerable persons**

- (1) No person whom the Secretary of State knows, or could reasonably be expected to know, is pregnant shall be detained.
- (2) The Secretary of State must issue guidance specifying matters to be taken into account by a person to whom the guidance is addressed in determining—
  - (a) whether a person (“P”) would be particularly vulnerable to harm if P were to be detained or to remain in detention, and
  - (b) if P is identified as being particularly vulnerable to harm in those circumstances, whether P should be detained or remain in detention.
- (3) In subsection (2) “detained” means detained under —
  - (a) the Immigration Act 1971,
  - (b) section 62 of the Nationality, Immigration and Asylum Act 2002, or
  - (c) section 36 of the UK Borders Act 2007,
 and “detention” is to be construed accordingly.
- (4) A person to whom guidance under this section is addressed must take the guidance into account.
- (5) Before issuing guidance under this section the Secretary of State must lay a draft of the guidance before Parliament.
- (6) Guidance under this section comes into force in accordance with regulations made by the Secretary of State.
- (7) The Secretary of State may from time to time review guidance under this section and may revise and re-issue it.
- (8) References in this section to guidance under this section include revised guidance.”

**Clause 32**

- 86 Page 38, line 20, leave out “The amendment made by subsection (3) is” and insert “Subsections (3) and (4) are”

**After Clause 37**

- 87 Insert the following new clause —

**“Unaccompanied refugee children: relocation and support**

- (1) The Secretary of State must, as soon as possible after the passing of this Act, make arrangements to relocate to the United Kingdom and support 3,000 unaccompanied refugee children from other countries in Europe.
- (2) The relocation of children under subsection (1) shall be in addition to the resettlement of children under the Vulnerable Persons Relocation Scheme.”

**Clause 39**

- 88 Page 41, line 25, leave out “or”

- 89 Page 41, line 30, at end insert “, or  
( ) a person under the age of 18 who is unaccompanied and who—  
(i) has leave to enter or remain in the United Kingdom, and  
(ii) is a person of a kind specified in regulations made by the Secretary of State.”

#### Clause 42

- 90 Page 42, line 24, leave out “first” and insert “transferring”  
91 Page 42, line 25, leave out “another local authority” and insert “one or more other local authorities”  
92 Page 42, line 26, leave out ““the second”” and insert “a “receiving””  
93 Page 42, line 28, leave out “The scheme” and insert “A scheme under this section”  
94 Page 42, line 31, leave out “that section” and insert “section 39”  
95 Page 42, line 31, leave out “those authorities” and insert “the transferring authority and each receiving authority”  
96 Page 42, line 34, leave out “first authority and the second authority” and insert “transferring authority and each receiving authority under a scheme under this section”  
97 Page 42, line 38, leave out “the second” and insert “each receiving”

#### Clause 43

- 98 Page 43, line 22, after “to” insert “– (i)”  
99 Page 43, line 22, at end insert “or  
(ii) provision which may be made under section 39(6) or (10),”  
100 Page 43, line 25, leave out “or (2)”  
101 Page 43, line 28, leave out paragraph (b)

#### Clause 47

- 102 Page 45, line 29, at beginning insert “in England and Wales or Scotland,”  
103 Page 45, line 31, at end insert—  
“( ) in Northern Ireland, as an agency worker within the meaning of the Agency Workers Regulations (Northern Ireland) 2011 (SR 2011/350) in respect of whom the public authority is the hirer within the meaning of those regulations,”  
104 Page 45, line 35, at beginning insert “in relation to England and Wales and Scotland,”  
105 Page 45, line 36, after “1996,” insert—  
“( ) in relation to Northern Ireland, has the meaning given by Article 236(3) of the Employment Rights (Northern Ireland) Order 1996 (SI 1996/1919 (NI 16)),”

**Clause 48**

- 106 Page 46, line 17, after “Part” insert “in relation to those functions”
- 107 Page 46, line 20, at end insert –
- “(4A) A person who exercises functions in relation to Wales is a public authority for the purposes of this Part in relation to those functions only if and to the extent that those functions relate to a matter which is outside the legislative competence of the National Assembly for Wales.
- (4B) A person who exercises functions in relation to Northern Ireland is a public authority for the purposes of this Part in relation to those functions only if and to the extent that those functions relate to an excepted matter.
- (4C) In subsection (4B) “Northern Ireland” and “excepted matter” have the same meanings as in the Northern Ireland Act 1998.”

**Clause 49**

- 108 Page 46, line 42, leave out “or”
- 109 Page 47, line 1, at beginning insert “in England and Wales or Scotland,”
- 110 Page 47, line 3, at end insert “, or
- ( ) in Northern Ireland, as an agency worker within the meaning of the Agency Workers Regulations (Northern Ireland) 2011 (SR 2011/350) in respect of whom the contractor is the hirer within the meaning of those regulations.”

**Clause 52**

- 111 Page 48, line 5, leave out “in both England and” and insert “outside Wales and in”

**Clause 53**

- 112 Page 48, line 18, at end insert –
- ““Wales” has the same meaning as in the Government of Wales Act 2006.”

**Before Clause 60**

- 113 Insert the following new Clause –
- “Duty regarding the welfare of children**
- For the avoidance of doubt, this Act does not limit any duty imposed on the Secretary of State or any person by section 55 of the Borders, Citizenship and Immigration Act 2009 (duty regarding welfare of children).”

**Clause 62**

- 114 Page 52, line 36, after “containing” insert “(whether alone or with other provision)”
- 115 Page 52, line 39, leave out “any provision of section 2, 4, 5, 6 or 7” and insert “primary legislation”
- 116 Page 52, line 40, at end insert –
- “( ) regulations under section (*Information gateways*),”

- 117 Page 52, line 40, at end insert –  
 “( ) regulations under section (*Functions in relation to labour market*)  
 which amend or repeal primary legislation,  
 ( ) regulations under section (*Power to request LME undertaking*),  
 (*Measures in LME undertakings*) or (*Measures in LME orders*),”
- 118 Page 53, line 1, leave out paragraph (c)
- 119 Page 53, line 18, after “instrument” insert “ – (a)”
- 120 Page 53, line 19, after “Act” insert “, and  
 ( ) to which subsection (2) does not apply,”

#### Clause 64

- 121 Page 54, line 1, leave out subsection (3)
- 122 Page 54, line 3, at end insert –  
 “( ) But subsection (4) does not apply to the amendments made to the Modern  
 Slavery Act 2015 by paragraphs 30 and 35 of Schedule (*Consequential and  
 related amendments*) (for the extent of which, see the amendments to section  
 60 of that Act made by paragraph 33 of that Schedule).”
- 123 Page 54, line 21, at end insert “, and  
 ( ) section 60(6) of the Modern Slavery Act 2015.”

#### Before Schedule 1

- 124 Insert the following new Schedule –

#### “SCHEDULE

#### PERSONS TO WHOM DIRECTOR ETC MAY DISCLOSE INFORMATION

*Authorities with functions in connection with the labour market or the work place etc*

The Secretary of State.

HMRC Commissioners.

A person by whom, or by whose officers, labour market enforcement  
 functions are exercisable.

The Health and Safety Executive.

An enforcing authority within the meaning of Part 1 of the Health and  
 Safety at Work etc. Act 1974 (see section 18(7) of that Act).

An inspector appointed by such an enforcing authority (see section 19  
 of that Act).

An enforcement authority within the meaning of regulation 28 of the  
 Working Time Regulations 1998 (S.I. 1998/1833).

An inspector appointed by such an enforcement authority (see  
 Schedule 3 to those Regulations).

The Low Pay Commission.

The Pensions Regulator.

*Law enforcement and border security*

A chief officer of police for a police area in England and Wales.

A local policing body within the meaning given by section 101(1) of the Police Act 1996.

The chief constable of the British Transport Police Force.

The chief constable of the Police Service of Scotland.

The Chief Constable of the Police Service of Northern Ireland.

A person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971.

#### *Local government*

A county or district council in England.

A London borough council.

The Greater London Authority.

The Common Council of the City of London.

The Council of the Isles of Scilly.

A county or county borough council in Wales.

A council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.

A district council in Northern Ireland.

#### *Health bodies*

The Care Quality Commission.

A National Health Service trust established under section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006.

An NHS foundation trust within the meaning given by section 30 of the National Health Service Act 2006.

A Local Health Board established under section 11 of the National Health Service (Wales) Act 2006.

#### *Other*

The Independent Anti-slavery Commissioner.

A Northern Ireland department.”

125

Insert the following new Schedule –

#### “SCHEDULE

#### FUNCTIONS IN RELATION TO LABOUR MARKET

#### *Employment Agencies Act 1973 (c. 35)*

1 The Employment Agencies Act 1973 is amended as follows.

2 Before section 9 insert –

#### “8A Appointment of officers

(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.”
- 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 subparagraphs (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”.

*National Minimum Wage Act 1998 (c. 39)*

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

*Modern Slavery Act 2015 (c.30)*

- 8 The Modern Slavery Act 2015 is amended as follows.

- 9 Before section 12 (but after the italic heading before it) insert –
- “11A 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).”
- 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”.
- 11 In section 19(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”.
- 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”.

- 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”.
- 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”.
- 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”.
- 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).”

- 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”.

126 Insert the following new Schedule –

“SCHEDULE

CONSEQUENTIAL AND RELATED AMENDMENTS

*Public Records Act 1958 (c. 51)*

- 1 In the Public Records Act 1958, in Schedule 1 (definition of public records), in Part 2 of the Table at the end of paragraph 3 (other establishments and organisations), for “Gangmasters Licensing Authority” substitute “Gangmasters and Labour Abuse Authority”.

*Parliamentary Commissioner Act 1967 (c. 13)*

- 2 In the Parliamentary Commissioner Act 1967, in Schedule 2 (departments etc subject to investigation) –
- (a) at the appropriate place insert “Director of Labour Market Enforcement”;
  - (b) for “Gangmasters Licensing Authority” substitute “Gangmasters and Labour Abuse Authority”.

*Superannuation Act 1972 (c. 11)*

- 3 In the Superannuation Act 1972, in Schedule 1 (kinds of employment to which that Act applies) –
- (a) under the heading “Other bodies”, for “Gangmasters Licensing Authority” substitute “Gangmasters and Labour Abuse Authority”;
  - (b) under the heading “Offices”, at the appropriate place insert “Director of Labour Market Enforcement”.

*Employment Agencies Act 1973 (c. 35)*

- 4 (1) Section 9 of the Employment Agencies Act 1973 (inspection) is amended as follows.
- (2) In subsection (4) –
- (a) in paragraph (a), for the words before sub-paragraph (i) substitute “No information to which this subsection applies shall be disclosed except –”;
  - (b) at the end of paragraph (a) insert “; or
    - “(vii) to an officer acting by virtue of section (*Investigative functions*) of the Immigration Act 2016 (investigative functions in connection with labour market enforcement undertakings and orders); or
    - (viii) to an officer acting for the purposes of Part 2 of the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981 for any purpose relating to that Part; or

- (ix) to the Pensions Regulator for the purposes of the exercise of any function of the Regulator; or
- (x) to the Care Quality Commission for the purposes of the exercise of any function of the Commission.”

(3) After subsection (4) insert –

“(5) Subsection (4) applies to –

- (a) information obtained in the course of exercising the powers conferred by this section,
- (b) information obtained pursuant to section 15(5A) of the National Minimum Wage Act 1998, and
- (c) information obtained in the course of exercising powers by virtue of section (*Investigative functions*)(1) of the Immigration Act 2016 (investigative functions in connection with labour market enforcement undertakings and orders).”

*House of Commons Disqualification Act 1975 (c. 24)*

- 5 In the House of Commons Disqualification Act 1975, in Schedule 1 (offices disqualifying for membership) –
- (a) in Part 2 (bodies of which all members are disqualified), for “Gangmasters Licensing Authority” substitute “Gangmasters and Labour Abuse Authority”;
  - (b) in Part 3 (other disqualifying offices), at the appropriate place insert “Director of Labour Market Enforcement”.

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 6 In the Northern Ireland Assembly Disqualification Act 1975, in Schedule 1 (offices disqualifying for membership) –
- (a) in Part 2 (bodies of which all members are disqualified), for “Gangmasters Licensing Authority” substitute “Gangmasters and Labour Abuse Authority”;
  - (b) in Part 3 (other disqualifying offices), at the appropriate place insert “Director of Labour Market Enforcement”.

*National Minimum Wage Act 1998 (c. 39)*

- 7 (1) Section 15 of the National Minimum Wage Act 1998 (information obtained by officers) is amended as follows.
- (2) In subsection (1) –
- (a) after “to” insert “ –  
(a) ”;
  - (b) at the end insert “, and  
(b) any information obtained by an officer acting by virtue of section (*Investigative functions*)(2) of the Immigration Act 2016 (investigative functions in connection with labour market enforcement undertakings and orders).”

(3) After subsection (5B) insert –

“(5C) Information to which this section applies –

- (a) may be supplied by, or with the authorisation of, the Secretary of State to an officer acting by virtue of section (*Investigative functions*) of the Immigration Act 2016 (investigative functions in connection with labour market enforcement undertakings and orders); and
- (b) may be used by an officer so acting for any purpose for which the officer is so acting.”

*Regulation of Investigatory Powers Act 2000 (c. 23)*

8 In the Regulation of Investigatory Powers Act 2000, in Schedule 1 (relevant public authorities), in Part 1 (relevant authorities for purposes of sections 28 and 29 of that Act) in paragraph 20E for “Gangmasters Licensing Authority” substitute “Gangmasters and Labour Abuse Authority”.

*Freedom of Information Act 2000 (c. 36)*

9 In the Freedom of Information Act 2000, in Schedule 1 (public authorities), in Part 6 (other public bodies and offices: general) –

- (a) at the appropriate place insert “Director of Labour Market Enforcement”;
- (b) for “Gangmasters Licensing Authority” substitute “Gangmasters and Labour Abuse Authority”.

*Police Reform Act 2002 (c. 30)*

10 The Police Reform Act 2002 is amended as follows.

11 In section 10 (general functions of the Independent Police Complaints Commission) –

(a) in subsection (1), after paragraph (g) insert –

“(ga) to carry out such corresponding functions in relation to officers of the Gangmasters and Labour Abuse Authority in their capacity as labour abuse prevention officers (see section 114B of the Police and Criminal Evidence Act 1984 (PACE powers for labour abuse prevention officers)).”;

(b) in subsection (3), after paragraph (bc) insert –

“(bd) any regulations under section 26D of this Act (labour abuse prevention officers);”.

12 After section 26C insert –

**“26D Labour abuse prevention officers**

(1) The Secretary of State may make regulations conferring functions on the Commission in relation to the exercise of functions by officers of the Gangmasters and Labour Abuse Authority (the “Authority”) in their capacity as labour abuse prevention officers (see section 114B of the Police and Criminal Evidence Act 1984 (PACE powers for labour abuse prevention officers)).

- (2) Regulations under this section may, in particular –
  - (a) apply (with or without modifications), or make provision similar to, any provision of or made under this Part;
  - (b) make provision for payment by the Authority to, or in respect of, the Commission.
- (3) The Commission and the Parliamentary Commissioner for Administration may jointly investigate a matter in relation to which –
  - (a) the Commission has functions by virtue of this section, and
  - (b) the Parliamentary Commissioner for Administration has functions by virtue of the Parliamentary Commissioner Act 1967.
- (4) An officer of the Authority may disclose information to the Commission, or to a person acting on the Commission’s behalf, for the purposes of the exercise by the Commission, or by any person acting on the Commission’s behalf, of an Authority complaints function.
- (5) The Commission and the Parliamentary Commissioner for Administration may disclose information to each other for the purposes of the exercise of a function –
  - (a) by virtue of this section, or
  - (b) under the Parliamentary Commissioner Act 1967.
- (6) Regulations under this section may, in particular, make –
  - (a) further provision about the disclosure of information under subsection (4) or (5);
  - (b) provision about the further disclosure of information that has been so disclosed.
- (7) In this section “Authority complaints function” means a function in relation to the exercise of functions by officers of the Authority.”

*Gangmasters (Licensing) Act 2004 (c. 11)*

- 13 The Gangmasters (Licensing) Act 2004 is amended as follows.
- 14 In the italic heading before section 1, for “Gangmasters Licensing Authority” substitute “Gangmasters and Labour Abuse Authority”.
- 15 In section 1 (Gangmasters Licensing Authority) –
  - (a) in the heading, for “Gangmasters Licensing Authority” substitute “Gangmasters and Labour Abuse Authority”;
  - (b) for subsection (1) substitute –
    - “(1) The body known as the Gangmasters Licensing Authority is to continue to exist and is to be known as the Gangmasters and Labour Abuse Authority (in this Act referred to as “the Authority”).”;

- 
- (c) after subsection (3) insert—
- “(3A) When carrying out functions during a year to which a labour market enforcement strategy approved under section 2 of the Immigration Act 2016 relates, the Authority and its officers must carry out those functions in accordance with the strategy.”
- 16 In section 2 (directions etc by the Secretary of State), in subsection (2) after “the Authority” insert “and the Director of Labour Market Enforcement”.
- 17 In section 3 (work to which Act applies)—
- (a) in subsection (5)(b), for the words from “the following nature” to the end substitute “a prescribed description as being work to which this Act applies”;
- (b) after subsection (5) insert—
- “(6) The Secretary of State must consult the Authority and the Director of Labour Market Enforcement before making regulations under subsection (5).”
- 18 In section 8 (general power of Authority to make rules)—
- (a) in subsection (1), after “may” insert “with the approval of the Secretary of State”;
- (b) omit subsection (3).
- 19 In section 14 (offences: supplementary provisions) after subsection (2) insert—
- “(2A) Subsections (1) and (2) do not apply to an enforcement officer who is 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).”
- 20 In section 15 (enforcement and compliance officers) after subsection (6) insert—
- “(6A) Subsections (5) and (6) do not apply to an enforcement officer who is 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).”
- 21 In section 16 (powers of officers) before subsection (1) insert—
- “(A1) This section does not apply to an enforcement officer who is 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).”

- 22 In section 17 (entry by warrant) before subsection (1) insert –
- “(A1) This section does not apply to an enforcement officer who is 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).”
- 23 (1) Section 19 (information relating to gangmasters) is amended as follows.
- (2) In subsection (1) –
- (a) for the words before paragraph (a) substitute “Information to which this subsection applies –”;
- (b) for paragraph (a) substitute –
- “(a) may be supplied to any person for use for the purposes of, or for any purpose connected with, the exercise of functions under this Act,
- (aa) may be supplied to any person by whom, or by whose officers, labour market enforcement functions are exercisable for the purposes of, or for any purpose connected with, the exercise of such functions, and”.
- (3) After subsection (1) insert –
- “(1A) Subsection (1) applies to –
- (a) information held by any person for the purposes of, or for any purpose connected with, the exercise of functions under this Act, and
- (b) information held by any officer acting by virtue of section (*Investigative functions*)(3) of the Immigration Act 2016 (investigative functions in connection with labour market enforcement undertakings and orders).
- (1B) In subsection (1) “labour market enforcement functions” has the same meaning as in Chapter 1 of Part 1 of the Immigration Act 2016 (see section 3 of that Act).”
- (4) In subsection (2) –
- (a) omit “relating to the operations of a person acting as a gangmaster”;
- (b) for “(1)(b)” substitute “(1)(aa) or (b)”.
- 24 (1) Schedule 2 (application of Act to Northern Ireland) is amended as follows.
- (2) In the italic heading before paragraph 3, for “Gangmasters Licensing Authority” substitute “Gangmasters and Labour Abuse Authority”.
- (3) In paragraph 6 –
- (a) after “work in Northern Ireland,” insert “–
- (a) ”;
- (b) at the end insert “, and
- (b) the requirement under subsection (2) of that section to consult the Director of Labour Market Enforcement is to be ignored.”

(4) In paragraph 7, for paragraph (b) substitute—

“(b) paragraph (b) is to be read as if for “work of a prescribed description as being work to which this Act applies” there were substituted “work of the following nature as being work to which this Act applies—

- (i) the gathering (by any manner) of wild creatures, or wild plants, of a prescribed description and the processing and packaging of anything so gathered, and
- (ii) the harvesting of fish from a fish farm (within the meaning of the Fisheries Act (NI) 1966 (c 17 (NI)).”

(5) In paragraph 10, for sub-paragraph (2) substitute—

“(2) Section 8(1) as it applies in relation to Northern Ireland licences is to be read as if the words “with the approval of the Secretary of State” were omitted.

(3) The Authority must consult the relevant Northern Ireland department before making any Northern Ireland rules about fees.”

(6) After paragraph 16 insert—

*“Section 19: Information relating to gangmasters*

16A (1) Section 19 as it applies in relation to Northern Ireland functions is to be read as if—

- (a) paragraph (aa) of subsection (1) (and the reference to it in subsection (2)) were omitted,
- (b) subsections (1A)(b) and (1B) were omitted, and
- (c) in subsection (2), after “Information” there were inserted the words “relating to the operations of a person acting as a gangmaster”.

(2) In this paragraph “Northern Ireland functions” means functions under this Act in connection with persons acting as gangmasters in Northern Ireland or persons acting as gangmasters in relation to work in Northern Ireland.

*Section 22A: Relationship with other agencies: requests for assistance*

16B Section 22A does not apply in relation to the Authority’s functions in connection with persons acting as gangmasters in Northern Ireland or persons acting as gangmasters in relation to work in Northern Ireland.”

*Pensions Act 2004 (c. 35)*

- 25 In the Pensions Act 2004, in Schedule 3 (certain permitted disclosures of restricted information held by the Pensions Regulator), at the end of the table insert—

“Director of Labour Market Enforcement or a member of staff provided to the Director under section 1(4) of the Immigration Act 2016.	Any of the Director’s functions.”
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*Natural Environment and Rural Communities Act 2006 (c. 16)*

- 26 In the Natural Environment and Rural Communities Act 2006, in Schedule 7 (designated bodies), in paragraph 13, for “Gangmasters’ Licensing Authority” substitute “Gangmasters and Labour Abuse Authority”.

*Regulatory Enforcement and Sanctions Act 2008 (c. 13)*

- 27 In the Regulatory Enforcement and Sanctions Act 2008, in Schedule 5 (designated regulators), for “Gangmasters Licensing Authority” substitute “Gangmasters and Labour Abuse Authority”.

*Modern Slavery Act 2015 (c. 30)*

- 28 The Modern Slavery Act 2015 is amended as follows.
- 29 In section 52 (duty to notify Secretary of State about suspected victims of slavery or human trafficking), in subsection (5)(k), for “Gangmasters Licensing Authority” substitute “Gangmasters and Labour Abuse Authority”.
- 30 At the beginning of Part 7, after the italic heading “Miscellaneous” insert—

**“54A Gangmasters and Labour Abuse Authority: information gateways**

- (1) A specified person may disclose information to the Gangmasters and Labour Abuse Authority (the “Authority”) or a relevant officer if the disclosure is made for the purposes of the exercise of any function of the Authority or the officer under this Act.
- (2) Information obtained by the Authority or a relevant officer in connection with the exercise of any function of the Authority or the officer under this Act may be used by the Authority or the officer in connection with the exercise of any other such function of the Authority or the officer.
- (3) The Authority or a relevant officer may disclose to a specified person information obtained in connection with the exercise of any function of the Authority or the officer under this Act if the disclosure is made for the purposes of the exercise of any function of the specified person.

- (4) A disclosure of information which is authorised by this section does not breach—
- (a) an obligation of confidence owed by the person making the disclosure, or
  - (b) any other restriction on the disclosure of information (however imposed).
- (5) But nothing in this section authorises the making of a disclosure which—
- (a) contravenes the Data Protection Act 1998, or
  - (b) is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.
- (6) This section does not limit the circumstances in which information may be disclosed apart from this section.
- (7) “Specified person” means a person specified in Schedule 4A (information gateways: specified persons).
- (8) The Secretary of State may by regulations amend Schedule 4A.
- (9) In this section, “relevant officer” means an officer of the Authority who is acting for the purposes of Part 1 or 2 of this Act (see sections 11A and 30A).”
- 31 Omit section 55 (review of Gangmasters Licensing Authority).
- 32 In section 58 (regulations), in subsection (4), after paragraph (j) insert—
- “(ja) regulations under section 54A(8) (power to amend Schedule 4A);”.
- 33 In section 60 (extent)—
- (a) in subsection (1), after “section 53” insert “and section 54A, and Schedule 4A, in Part 7”;
  - (b) in subsection (3), after “and 7” insert “(except for section 54A and Schedule 4A)”.
- 34 In Schedule 3 (public authorities under duty to co-operate with the Independent Anti-slavery Commissioner), for “Gangmasters Licensing Authority” substitute “Gangmasters and Labour Abuse Authority”.
- 35 After Schedule 4 insert—

“SCHEDULE 4A

Section 54A

INFORMATION GATEWAYS: SPECIFIED PERSONS

*Authorities with functions in connection with the labour market etc*

The Secretary of State.

A person by whom, or by whose officers, labour market enforcement functions (within the meaning given by section 3 of the Immigration Act 2016) are exercisable.

*Law enforcement and border security*

A chief officer of police for a police area in England and Wales.  
The chief constable of the British Transport Police Force.

An immigration officer.

*Local government*

A county council in England or Wales.

A county borough council in Wales.

A district council in England.

A London borough council.

The Greater London Authority.

The Common Council of the City of London.

The Council of the Isles of Scilly.

*Health bodies*

A National Health Service trust established under section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006.

An NHS foundation trust within the meaning given by section 30 of the National Health Service Act 2006.

A Local Health Board established under section 11 of the National Health Service (Wales) Act 2006.

*Other*

The Independent Anti-slavery Commissioner.”

*Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2) (N.I.)*

- 36 In the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, in Schedule 3 (slavery and trafficking prevention orders), in Part 3 (supplementary) in paragraph 18(7)(e), for “Gangmasters Licensing Authority” substitute “Gangmasters and Labour Abuse Authority”.”

**Schedule 1**

**127** Page 67, line 10, at end insert “pursuant to an application made”

**128** Page 67, line 14, after “granted” insert “pursuant to an application made”

**Schedule 2**

**129** Page 67, line 23, at end insert—

*“London Hackney Carriages Act 1843 (c. 86)*

- (1) Section 18 of the London Hackney Carriages Act 1843 (licences and badges to be delivered up on the discontinuance of licences) is amended as follows.
- (2) At the beginning insert “(1)”.

(3) At the end of subsection (1) insert –

“(2) Subsection (1) does not require the delivery of a licence and badge on the expiry of the licence if the licence was granted in accordance with section 8A(2) or (4) of the Metropolitan Public Carriage Act 1869 (but see section 8A(5A) of that Act).”

130 Page 68, line 14, at end insert –

“(5A) If a licence granted in accordance with subsection (2) or (4) expires, the person to whom it was granted must, within the period of 7 days beginning with the day after that on which it expired, return to Transport for London –

- (a) the licence,
- (b) the person’s copy of the licence (if any), and
- (c) the person’s driver’s badge.”

131 Page 68, line 22, at end insert “(5A) or”

132 Page 68, line 27, at end insert –

“(7A) The Secretary of State may by regulations made by statutory instrument amend the amount for the time being specified in subsection (7)(b).

(7B) Regulations under subsection (7A) may make transitional, transitory or saving provision.

(7C) A statutory instrument containing regulations under subsection (7A) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

133 Page 69, line 3, at end insert –

*“Plymouth City Council Act 1975 (c. xx)*

3A The Plymouth City Council Act 1975 is amended as follows.

3B After section 2 insert –

**“2A Persons disqualified by reason of immigration status**

(1) For the purposes of this Act a person is disqualified by reason of the person’s immigration status from carrying on a licensable activity if the person is subject to immigration control and –

- (a) the person has not been granted leave to enter or remain in the United Kingdom, or
- (b) the person’s leave to enter or remain in the United Kingdom –
  - (i) is invalid,
  - (ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or
  - (iii) is subject to a condition preventing the person from carrying on the licensable activity.

- (2) Where a person is on immigration bail within the meaning of Part 1 of Schedule 7 to the Immigration Act 2016—
  - (a) the person is to be treated for the purposes of this Act as if the person had been granted leave to enter the United Kingdom, but
  - (b) any condition as to the person’s work in the United Kingdom to which the person’s immigration bail is subject is to be treated for those purposes as a condition of leave.
- (3) For the purposes of this section a person is subject to immigration control if under the Immigration Act 1971 the person requires leave to enter or remain in the United Kingdom.
- (4) For the purposes of this section a person carries on a licensable activity if the person—
  - (a) drives a private hire vehicle,
  - (b) operates a private hire vehicle, or
  - (c) drives a hackney carriage.

## **2B Immigration offences and immigration penalties**

- (1) In this Act “immigration offence” means—
  - (a) an offence under any of the Immigration Acts,
  - (b) an offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence within paragraph (a), or
  - (c) an offence under section 1 of the Criminal Law Act 1977 of conspiracy to commit an offence within paragraph (a).
- (2) In this Act “immigration penalty” means a penalty under—
  - (a) section 15 of the Immigration, Asylum and Nationality Act 2006 (“the 2006 Act”), or
  - (b) section 23 of the Immigration Act 2014 (“the 2014 Act”).
- (3) For the purposes of this Act a person to whom a penalty notice under section 15 of the 2006 Act has been given is not to be treated as having been required to pay an immigration penalty if—
  - (a) the person is excused payment by virtue of section 15(3) of that Act, or
  - (b) the penalty is cancelled by virtue of section 16 or 17 of that Act.
- (4) For the purposes of this Act a person to whom a penalty notice under section 15 of the 2006 Act has been given is not to be treated as having been required to pay an immigration penalty until such time as—
  - (a) the period for giving a notice of objection under section 16 of that Act has expired and the Secretary of State has considered any notice given within that period, and
  - (b) if a notice of objection was given within that period, the period for appealing under section 17 of that Act has expired and any appeal brought within that period has been finally determined, abandoned or withdrawn.

- (5) For the purposes of this Act a person to whom a penalty notice under section 23 of the 2014 Act has been given is not to be treated as having been required to pay an immigration penalty if—
- (a) the person is excused payment by virtue of section 24 of that Act, or
  - (b) the penalty is cancelled by virtue of section 29 or 30 of that Act.
- (6) For the purposes of this Act a person to whom a penalty notice under section 23 of the 2014 Act has been given is not to be treated as having been required to pay an immigration penalty until such time as—
- (a) the period for giving a notice of objection under section 29 of that Act has expired and the Secretary of State has considered any notice given within that period, and
  - (b) if a notice of objection was given within that period, the period for appealing under section 30 of that Act has expired and any appeal brought within that period has been finally determined, abandoned or withdrawn.”
- 3C (1) Section 9 (licensing of drivers of private hire vehicles) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a) after “satisfied” insert “—(i)”, and
  - (b) for the “or” at the end of paragraph (a) substitute “and
    - (ii) that the applicant is not disqualified by reason of the applicant’s immigration status from driving a private hire vehicle; or”.
- (3) After subsection (1) insert—
- “(1A) In determining for the purposes of subsection (1) whether an applicant is disqualified by reason of the applicant’s immigration status from driving a private hire vehicle, the Council must have regard to any guidance issued by the Secretary of State.”
- 3D In section 11(1) (drivers’ licences for hackney carriages and private hire vehicles)—
- (a) in paragraph (a) for “Every” substitute “Subject to section 11A, every”, and
  - (b) in paragraph (b) after “1889,” insert “but subject to section 11A,”.
- 3E After section 11 insert—

**“11A Drivers’ licences for persons subject to immigration control**

- (1) Subsection (2) applies if—
- (a) a licence within section 11(1)(a) or (b) is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period (“the leave period”),
  - (b) the person’s leave has not been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision), and

- (c) apart from subsection (2), the period for which the licence would have been in force would have ended after the end of the leave period.
- (2) The Council must specify a period in the licence as the period for which it remains in force; and that period must end at or before the end of the leave period.
- (3) Subsection (4) applies if –
  - (a) a licence within section 11(1)(a) or (b) is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period, and
  - (b) the person’s leave has been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision).
- (4) The Council must specify a period in the licence as the period for which it remains in force; and that period must not exceed six months.
- (5) A licence within section 11(1)(a) ceases to be in force if the person to whom it was granted becomes disqualified by reason of the person’s immigration status from driving a private hire vehicle.
- (6) A licence within section 11(1)(b) ceases to be in force if the person to whom it was granted becomes disqualified by reason of the person’s immigration status from driving a hackney carriage.
- (7) If a licence granted in accordance with subsection (2) or (4) expires, the person to whom it was granted must, within the period of 7 days beginning with the day after that on which it expired, return the licence and the person’s driver’s badge to the Council.
- (8) If subsection (5) or (6) applies to a licence, the person to whom it was granted must, within the period of 7 days beginning with the day after the day on which the person first became disqualified, return the licence and the person’s driver’s badge to the Council.
- (9) A person who, without reasonable excuse, contravenes subsection (7) or (8) is guilty of an offence and liable on summary conviction –
  - (a) to a fine not exceeding level 3 on the standard scale, and
  - (b) in the case of a continuing offence, to a fine not exceeding ten pounds for each day during which an offence continues after conviction.
- (10) The Secretary of State may by regulations made by statutory instrument amend the amount for the time being specified in subsection (9)(b).
- (11) Regulations under subsection (10) may make transitional, transitory or saving provision.
- (12) A statutory instrument containing regulations under subsection (10) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

- 3F (1) Section 13 (licensing of operators of private hire vehicles) is amended as follows.
- (2) In subsection (1) –
- (a) after “satisfied” insert “–(a)”, and
  - (b) at the end of paragraph (a) insert “; and
    - (b) if the applicant is an individual, that the applicant is not disqualified by reason of the applicant’s immigration status from operating a private hire vehicle.”
- (3) After subsection (1) insert –
- “(1A) In determining for the purposes of subsection (1) whether an applicant is disqualified by reason of the applicant’s immigration status from operating a private hire vehicle, the Council must have regard to any guidance issued by the Secretary of State.”
- (4) In subsection (2) for “Every” substitute “Subject to section 13A, every”.

3G After section 13 insert –

**“13A Operators’ licences for persons subject to immigration control**

- (1) Subsection (2) applies if –
- (a) a licence under section 13 is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period (“the leave period”),
  - (b) the person’s leave has not been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision), and
  - (c) apart from subsection (2), the period for which the licence would have been in force would have ended after the end of the leave period.
- (2) The Council must specify a period in the licence as the period for which it remains in force; and that period must end at or before the end of the leave period.
- (3) Subsection (4) applies if –
- (a) a licence under section 13 is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period, and
  - (b) the person’s leave has been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision).
- (4) The Council must specify a period in the licence as the period for which it remains in force; and that period must not exceed six months.
- (5) A licence under section 13 ceases to be in force if the person to whom it was granted becomes disqualified by reason of the person’s immigration status from operating a private hire vehicle.

- (6) If a licence granted in accordance with subsection (2) or (4) expires, the person to whom it was granted must, within the period of 7 days beginning with the day after that on which it expired, return the licence to the Council.
  - (7) If subsection (5) applies to a licence, the person to whom it was granted must, within the period of 7 days beginning with the day after the day on which the person first became disqualified, return it to the Council.
  - (8) A person who, without reasonable excuse, contravenes subsection (6) or (7) is guilty of an offence and liable on summary conviction –
    - (a) to a fine not exceeding level 3 on the standard scale, and
    - (b) in the case of a continuing offence, to a fine not exceeding ten pounds for each day during which an offence continues after conviction.
  - (9) The Secretary of State may by regulations made by statutory instrument amend the amount for the time being specified in subsection (8)(b).
  - (10) Regulations under subsection (9) may make transitional, transitory or saving provision.
  - (11) A statutory instrument containing regulations under subsection (9) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”
- 3H (1) Section 17 (qualification for drivers of hackney carriages) is amended as follows.
- (2) In subsection (1) –
    - (a) in paragraph (a) after “satisfied” insert “– (i)”, and
    - (b) for the “or” at the end of paragraph (a) substitute “and
      - (ii) that the applicant is not disqualified by reason of the applicant’s immigration status from driving a hackney carriage; or”.
  - (3) After subsection (1) insert –

“(1A) In determining for the purposes of subsection (1) whether an applicant is disqualified by reason of the applicant’s immigration status from driving a hackney carriage, the Council must have regard to any guidance issued by the Secretary of State.”
- 3I (1) Section 19 (suspension and revocation of drivers’ licences) is amended as follows.
- (2) In subsection (1) before the “or” at the end of paragraph (a) insert –

“(aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty;”.

(3) After subsection (1) insert –

“(1A) Subsection (1)(aa) does not apply if –

- (a) in a case where the driver has been convicted of an immigration offence, the conviction is a spent conviction within the meaning of the Rehabilitation of Offenders Act 1974, or
- (b) in a case where the driver has been required to pay an immigration penalty –
  - (i) more than three years have elapsed since the date on which the penalty was imposed, and
  - (ii) the amount of the penalty has been paid in full.”

(4) After subsection (2) insert –

“(2A) The requirement in subsection (2)(a) to return a driver’s badge does not apply in a case where section 20A applies (but see subsection (2) of that section).”

3J (1) Section 20 (suspension and revocation of operators’ licences) is amended as follows.

(2) In subsection (1) before the “or” at the end of paragraph (c) insert –

“(ca) that the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty;”.

(3) After subsection (1) insert –

“(1A) Subsection (1)(ca) does not apply if –

- (a) in a case where the operator has been convicted of an immigration offence, the conviction is a spent conviction within the meaning of the Rehabilitation of Offenders Act 1974, or
- (b) in a case where the operator has been required to pay an immigration penalty –
  - (i) more than three years have elapsed since the date on which the penalty was imposed, and
  - (ii) the amount of the penalty has been paid in full.”

3K After section 20 insert –

**“20A Return of licences suspended or revoked on immigration grounds**

(1) Subsection (2) applies if –

- (a) under section 19 the Council suspend, revoke or refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on the ground mentioned in subsection (1)(aa) of that section, or
- (b) under section 20 the Council suspend, revoke or refuse to renew an operator’s licence on the ground mentioned in subsection (1)(ca) of that section.

(2) The person to whom the licence was granted must, within the period of 7 days beginning with the relevant day, return to the Council –

- (a) the licence, and

- (b) in the case of a licence of a driver of a hackney carriage or a private hire vehicle, the person's driver's badge.
- (3) In subsection (2) "the relevant day" means—
  - (a) where the licence is suspended or revoked, the day on which the suspension or revocation takes effect;
  - (b) where the Council refuse to renew the licence, the day on which the licence expires as a result of the failure to renew it.
- (4) A person who, without reasonable excuse, contravenes subsection (2) is guilty of an offence and liable on summary conviction—
  - (a) to a fine not exceeding level 3 on the standard scale, and
  - (b) in the case of a continuing offence, to a fine not exceeding ten pounds for each day during which an offence continues after conviction.
- (5) The Secretary of State may by regulations made by statutory instrument amend the amount for the time being specified in subsection (4)(b).
- (6) Regulations under subsection (5) may make transitional, transitory or saving provision.
- (7) A statutory instrument containing regulations under subsection (5) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament."

3L In section 37 (appeals) after subsection (2) insert—

- "(3) On an appeal under this Act or an appeal under section 302 of the Act of 1936 as applied by this section, the court is not entitled to entertain any question as to whether—
  - (a) a person should be, or should have been, granted leave to enter or remain in the United Kingdom, or
  - (b) a person has, after the date of the decision being appealed against, been granted leave to enter or remain in the United Kingdom."

**134** Page 70, line 12, at end insert—

- "(6A) If a licence granted in accordance with subsection (2) or (4) expires, the person to whom it was granted must, within the period of 7 days beginning with the day after that on which it expired, return the licence and the person's driver's badge to the district council which granted the licence."

**135** Page 70, line 18, at end insert "(6A) or"

**136** Page 70, line 23, at end insert—

- "(9) The Secretary of State may by regulations made by statutory instrument amend the amount for the time being specified in subsection (8)(b).
- (10) Regulations under subsection (9) may make transitional, transitory or saving provision.

- (11) A statutory instrument containing regulations under subsection (9) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.””

137 Page 71, line 22, at end insert –

- “(5A) If a licence granted in accordance with subsection (2) or (4) expires, the person to whom it was granted must, within the period of 7 days beginning with the day after that on which it expired, return the licence to the district council which granted the licence.”

138 Page 71, line 27, at end insert “(5A) or”

139 Page 71, line 32, at end insert –

- “(8) The Secretary of State may by regulations made by statutory instrument amend the amount for the time being specified in subsection (7)(b).

- (9) Regulations under subsection (8) may make transitional, transitory or saving provision.

- (10) A statutory instrument containing regulations under subsection (8) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.””

140 Page 71, line 45, at end insert –

- “ ( ) Section 61 (suspension and revocation of drivers’ licences) is amended as follows.”

141 Page 71, line 46, leave out from “In” to “before” and insert “subsection (1)”

142 Page 72, line 4, at end insert –

- “( ) After subsection (1) insert –

- “(1A) Subsection (1)(aa) does not apply if –

- (a) in a case where the driver has been convicted of an immigration offence, the conviction is a spent conviction within the meaning of the Rehabilitation of Offenders Act 1974, or
- (b) in a case where the driver has been required to pay an immigration penalty –
- (i) more than three years have elapsed since the date on which the penalty was imposed, and
- (ii) the amount of the penalty has been paid in full.”

- ( ) After subsection (2) insert –

- “(2ZA) The requirement in subsection (2)(a) to return a driver’s badge does not apply in a case where section 62A applies (but see subsection (2) of that section).””

143 Page 72, line 4, at end insert –

- “ ( ) Section 62 (suspension and revocation of operators’ licences) is amended as follows.”

144 Page 72, line 5, leave out from “In” to “before” and insert “subsection (1)”

145 Page 72, line 9, at end insert –

“( ) After subsection (1) insert –

“(1A) Subsection (1)(ca) does not apply if –

- (a) in a case where the operator has been convicted of an immigration offence, the conviction is a spent conviction within the meaning of the Rehabilitation of Offenders Act 1974, or
- (b) in a case where the operator has been required to pay an immigration penalty –
  - (i) more than three years have elapsed since the date on which the penalty was imposed, and
  - (ii) the amount of the penalty has been paid in full.”

146 Page 72, line 9, at end insert –

“ After section 62 insert –

**“62A Return of licences suspended or revoked on immigration grounds**

(1) Subsection (2) applies if –

- (a) under section 61 a district council suspend, revoke or refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on the ground mentioned in subsection (1)(aa) of that section, or
- (b) under section 62 a district council suspend, revoke or refuse to renew an operator’s licence on the ground mentioned in subsection (1)(ca) of that section.

(2) The person to whom the licence was granted must, within the period of 7 days beginning with the relevant day, return to the district council –

- (a) the licence, and
- (b) in the case of a licence of a driver of a hackney carriage or a private hire vehicle, the person’s driver’s badge.

(3) In subsection (2) “the relevant day” means –

- (a) where the licence is suspended or revoked, the day on which the suspension or revocation takes effect;
- (b) where the district council refuse to renew the licence, the day on which the licence expires as a result of the failure to renew it.

(4) A person who, without reasonable excuse, contravenes subsection (2) is guilty of an offence and liable on summary conviction –

- (a) to a fine not exceeding level 3 on the standard scale, and
- (b) in the case of a continuing offence, to a fine not exceeding ten pounds for each day during which an offence continues after conviction.

(5) The Secretary of State may by regulations made by statutory instrument amend the amount for the time being specified in subsection (4)(b).

- (6) Regulations under subsection (5) may make transitional, transitory or saving provision.
- (7) A statutory instrument containing regulations under subsection (5) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.””

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Page 74, line 4, at end insert –

*“Civic Government (Scotland) Act 1982 (c. 45)*

14A The Civic Government (Scotland) Act 1982 is amended as follows.

14B In section 13 (taxi and private hire car driving licences) after subsection (3) insert –

“(3A) A licensing authority shall not grant a licence to any person under this section unless the authority is satisfied that the person is not disqualified by reason of the person’s immigration status from driving a taxi or private hire car.

(3B) Section 13A makes provision for the purposes of subsection (3A) about the circumstances in which a person is disqualified by reason of the person’s immigration status from driving a taxi or private hire car.

(3C) In determining for the purposes of subsection (3A) whether a person is disqualified by reason of the person’s immigration status from driving a taxi or private hire car, a licensing authority must have regard to any guidance issued by the Secretary of State.”

14C After section 13 insert –

**“13A Persons disqualified by reason of immigration status**

- (1) For the purposes of section 13(3A) a person is disqualified by reason of the person’s immigration status from driving a taxi or private hire car if the person is subject to immigration control and –
  - (a) the person has not been granted leave to enter or remain in the United Kingdom, or
  - (b) the person’s leave to enter or remain in the United Kingdom –
    - (i) is invalid,
    - (ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or
    - (iii) is subject to a condition preventing the person from driving a taxi or private hire car.
- (2) Where a person is on immigration bail within the meaning of Part 1 of Schedule 7 to the Immigration Act 2016 –
  - (a) the person is to be treated for the purposes of this section as if the person had been granted leave to enter the United Kingdom, but

- (b) any condition as to the person's work in the United Kingdom to which the person's immigration bail is subject is to be treated for those purposes as a condition of leave.
  - (3) For the purposes of this section a person is subject to immigration control if under the Immigration Act 1971 the person requires leave to enter or remain in the United Kingdom."
- 14D (1) Schedule 1 (licensing - further provisions as to the general system) is amended as follows.
  - (2) In paragraph 8 (duration of licences) in sub-paragraph (8) after "paragraphs" insert "8A and".
  - (3) After paragraph 8 insert –
    - "Taxi etc driving licences for persons subject to immigration control*
    - 8A (1) Sub-paragraph (2) applies if –
      - (a) a taxi driver's licence or private hire car driver's licence is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period ("the leave period"),
      - (b) the person's leave has not been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision), and
      - (c) apart from sub-paragraph (2), the period for which the licence would have had effect would have ended after the end of the leave period.
    - (2) The licensing authority which grants the licence must specify a period in the licence as the period for which it has effect; and that period must end at or before the end of the leave period.
    - (3) Sub-paragraph (4) applies if –
      - (a) a taxi driver's licence or private hire car driver's licence is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period, and
      - (b) the person's leave has been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision).
    - (4) The licensing authority which grants the licence must specify a period in the licence as the period for which it has effect; and that period must not exceed six months.
    - (5) A taxi driver's licence or private hire car driver's licence ceases to have effect if the person to whom it was granted becomes disqualified by reason of the person's immigration status from driving a taxi or private hire car.
    - (6) Section 13A (persons disqualified by reason of immigration status) applies for the purposes of sub-paragraph (5) as it applies for the purposes of section 13(3A).

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- (7) If a licence granted in accordance with sub-paragraph (2) or (4) expires, the person to whom it was granted must, within the period of 7 days beginning with the day after that on which it expired, return the licence to the licensing authority.
- (8) If sub-paragraph (5) applies to a licence, the person to whom it was granted must, within the period of 7 days beginning with the day after the day on which the person first became disqualified, return the licence to the licensing authority which granted the licence.
- (9) A person who, without reasonable excuse, contravenes sub-paragraph (7) or (8) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (10) This paragraph applies in relation to the renewal of a licence as it applies in relation to the grant of a licence.”
- (4) In paragraph 11 (suspension and revocation of licences) after sub-paragraph (2) insert –
- “(2A) A licensing authority may order the suspension or revocation of a taxi driver’s licence or a private hire car driver’s licence if the holder of the licence has, since its grant, been convicted of an immigration offence or required to pay an immigration penalty (see paragraph 20).
- (2B) Sub-paragraph (2A) does not apply if –
- (a) in a case where the holder of the licence has been convicted of an immigration offence, the conviction is a spent conviction within the meaning of the Rehabilitation of Offenders Act 1974, or
- (b) in a case where the holder of the licence has been required to pay an immigration penalty –
- (i) more than three years have elapsed since the date on which the penalty was imposed, and
- (ii) the amount of the penalty has been paid in full.”
- (5) In paragraph 18 (appeals) after sub-paragraph (8) insert –
- “(8A) On an appeal under this paragraph relating to a taxi driver’s licence or a private hire car driver’s licence, the sheriff is not entitled to entertain any question as to whether –
- (a) a person should be, or should have been, granted leave to enter or remain in the United Kingdom, or
- (b) a person has, after the date of the decision being appealed against, been granted leave to enter or remain in the United Kingdom.”
- (6) After paragraph 19 insert –
- “20 (1) In this Schedule “immigration offence” means an offence under any of the Immigration Acts.

- (2) In this Schedule “immigration penalty” means a penalty under –
- (a) section 15 of the Immigration, Asylum and Nationality Act 2006 (“the 2006 Act”), or
  - (b) section 23 of the Immigration Act 2014 (“the 2014 Act”).
- (3) For the purposes of this Schedule a person to whom a penalty notice under section 15 of the 2006 Act has been given is not to be treated as having been required to pay an immigration penalty if –
- (a) the person is excused payment by virtue of section 15(3) of that Act, or
  - (b) the penalty is cancelled by virtue of section 16 or 17 of that Act.
- (4) For the purposes of this Schedule a person to whom a penalty notice under section 15 of the 2006 Act has been given is not to be treated as having been required to pay an immigration penalty until such time as –
- (a) the period for giving a notice of objection under section 16 of that Act has expired and the Secretary of State has considered any notice given within that period, and
  - (b) if a notice of objection was given within that period, the period for appealing under section 17 of that Act has expired and any appeal brought within that period has been finally determined, abandoned or withdrawn.
- (5) For the purposes of this Schedule a person to whom a penalty notice under section 23 of the 2014 Act has been given is not to be treated as having been required to pay an immigration penalty if –
- (a) the person is excused payment by virtue of section 24 of that Act, or
  - (b) the penalty is cancelled by virtue of section 29 or 30 of that Act.
- (6) For the purposes of this Schedule a person to whom a penalty notice under section 23 of the 2014 Act has been given is not to be treated as having been required to pay an immigration penalty until such time as –
- (a) the period for giving a notice of objection under section 29 of that Act has expired and the Secretary of State has considered any notice given within that period, and
  - (b) if a notice of objection was given within that period, the period for appealing under section 30 of that Act has expired and any appeal brought within that period has been finally determined, abandoned or withdrawn.”

*“Road Traffic Offenders (Northern Ireland) Order 1996 (SI 1996/1320 (NI 10))*

- (1) Part 1 of Schedule 1 to the Road Traffic Offenders (Northern Ireland) Order 1996 (SI 1996/1320 (NI 10)) is amended as follows.

- (2) After the entry relating to section 1(3) of the Taxis Act (Northern Ireland) 2008 insert –

“Section 2A(8)	Failing to return an operator’s licence	Summarily	Level 3 on the standard scale”.
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- (3) After the entry relating to section 22(6) of the Taxis Act (Northern Ireland) 2008 insert –

“Section 23A(8)	Failing to return an operator’s licence	Summarily	Level 3 on the standard scale”.
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- 149** Page 75, line 18, at end insert –

“(8) The Secretary of State may by regulations amend the amount for the time being specified in subsection (7)(b).”

- 150** Page 76, line 21, at end insert –

“(8) The Secretary of State may by regulations amend the amount for the time being specified in subsection (7)(b).”

- 151** Page 76, line 26, at end insert –

“( ) After subsection (2) insert –

“(2A) Subsection (2)(aa) does not apply if –

- (a) in a case where the licence holder has been convicted of an immigration offence, the conviction is a spent conviction within the meaning of the Rehabilitation of Offenders Act 1974, or
- (b) in a case where the licence holder has been required to pay an immigration penalty –
  - (i) more than three years have elapsed since the date on which the penalty was imposed, and
  - (ii) the amount of the penalty has been paid in full.”

- 152** Page 76, line 30, at end insert –

“( ) After subsection (4) insert –

“(5) Subsection (4)(aa) does not apply if –

- (a) in a case where the licence holder has been convicted of an immigration offence, the conviction is a spent conviction within the meaning of the Rehabilitation of Offenders Act 1974, or
- (b) in a case where the licence holder has been required to pay an immigration penalty –
  - (i) more than three years have elapsed since the date on which the penalty was imposed, and
  - (ii) the amount of the penalty has been paid in full.”

153 Page 78, line 21, at end insert –

- “ (1) Section 32 (regulations) is amended as follows.
- (2) In subsection (1) after “other than section” in the first place those words appear insert “3A(8), 13A(8) or”.
- (3) After subsection (2) insert –
- “(2A) The power to make regulations conferred on the Secretary of State by section 3A(8) or 13A(8) is exercisable by statutory instrument.
- (2B) A statutory instrument containing regulations under either of those sections may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”
- (4) In subsection (4) after “made under section” insert “3A(8), 13A(8) or”.”

154 Page 78, line 23, at end insert –

*“Taxis Act (Northern Ireland) 2008 (c. 4)*

- 25 The Taxis Act (Northern Ireland) 2008 is amended as follows.
- 26 (1) Section 2 (operator’s licences) is amended as follows.
- (2) In subsection (4) for the “and” at the end of paragraph (a) substitute –
- “(aa) if the applicant is an individual, the applicant is not disqualified by reason of the applicant’s immigration status from operating a taxi service; and”.
- (3) After subsection (4) insert –
- “(4A) In determining for the purposes of subsection (4) whether an applicant is disqualified by reason of the applicant’s immigration status from operating a taxi service, the Department must have regard to any guidance issued by the Secretary of State.”
- (4) In subsection (7) for “An” substitute “Subject to section 2A, an”.
- 27 After section 2 insert –

**“2A Operator’s licences for persons subject to immigration control**

- (1) Subsection (2) applies if –
- (a) an operator’s licence is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period (“the leave period”),
- (b) the person’s leave has not been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision), and
- (c) apart from subsection (2), the period for which the licence would have been granted would have ended after the end of the leave period.
- (2) The licence must be granted for a period which ends at or before the end of the leave period.

- 
- (3) Subsection (4) applies if—
    - (a) an operator’s licence is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period, and
    - (b) the person’s leave has been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision).
  - (4) The licence must be granted for a period which does not exceed six months.
  - (5) An operator’s licence ceases to be in force if the person to whom it was granted becomes disqualified by reason of the person’s immigration status from operating a taxi service.
  - (6) If a licence granted in accordance with subsection (2) or (4) expires, the person to whom it was granted must, within the period of 7 days beginning with the day after that on which it expired, return it to the Department.
  - (7) If subsection (5) applies to a licence, the person to whom it was granted must, within the period of 7 days beginning with the day after the day on which the person first became disqualified, return it to the Department.
  - (8) A person who, without reasonable excuse, contravenes subsection (6) or (7) is guilty of an offence.”
- 28 (1) Section 23 (taxi driver’s licences) is amended as follows.
- (2) In subsection (2) after paragraph (a) insert—
    - “(aa) the applicant is not disqualified by reason of the applicant’s immigration status from driving a taxi;”.
  - (3) After subsection (2) insert—
    - “(2A) In determining for the purposes of subsection (2) whether an applicant is disqualified by reason of the applicant’s immigration status from driving a taxi, the Department must have regard to any guidance issued by the Secretary of State.”
  - (4) In subsection (8) for “A” substitute “Subject to section 23A, a”.
- 29 After section 23 insert—
- “23A Taxi driver’s licences for persons subject to immigration control**
- (1) Subsection (2) applies if—
    - (a) a taxi driver’s licence is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period (“the leave period”),
    - (b) the person’s leave has not been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision), and
    - (c) apart from subsection (2), the period for which the licence would have been granted would have ended after the end of the leave period.
  - (2) The licence must be granted for a period which ends at or before the end of the leave period.

- (3) Subsection (4) applies if—
    - (a) a taxi driver’s licence is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period, and
    - (b) the person’s leave has been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision).
  - (4) The licence must be granted for a period which does not exceed six months.
  - (5) A taxi driver’s licence ceases to be in force if the person to whom it was granted becomes disqualified by reason of the person’s immigration status from driving a taxi.
  - (6) If a licence granted in accordance with subsection (2) or (4) expires, the person to whom it was granted must, within the period of 7 days beginning with the day after that on which it expired, return to the Department—
    - (a) the licence,
    - (b) the person’s driver’s badge, and
    - (c) any other evidence of identification which the Department has issued under section 24.
  - (7) If subsection (5) applies to a licence, the person to whom it was granted must, within the period of 7 days beginning with the day after the day on which the person first became disqualified, return to the Department—
    - (a) the licence,
    - (b) the person’s driver’s badge, and
    - (c) any other evidence of identification which the Department has issued under section 24.
  - (8) A person who, without reasonable excuse, contravenes subsection (6) or (7) is guilty of an offence.”
- 30 (1) Section 26 (power to suspend, revoke or curtail licences) is amended as follows.
- (2) In subsection (2) before the “or” at the end of paragraph (a) insert—

“(aa) the licence holder has, since the grant of the licence, been convicted of an immigration offence or required to pay an immigration penalty;”.
  - (3) After subsection (2) insert—

“(2A) Subsection (2)(aa) does not apply if—

    - (a) in a case where the licence holder has been convicted of an immigration offence, the conviction is a spent conviction within the meaning of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (SI 1978/1908 (NI 27)), or
    - (b) in a case where the licence holder has been required to pay an immigration penalty—
      - (i) more than three years have elapsed since the date on which the penalty was imposed, and
      - (ii) the amount of the penalty has been paid in full.”

- (4) In subsection (6) before the “or” at the end of paragraph (a) insert –  
“(aa) the licence holder has, since the grant of the licence, been convicted of an immigration offence or required to pay an immigration penalty;”.
- (5) After subsection (6) insert –  
“(7) Subsection (6)(aa) does not apply if –  
(a) in a case where the licence holder has been convicted of an immigration offence, the conviction is a spent conviction within the meaning of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (SI 1978/1908 (NI 27)), or  
(b) in a case where the licence holder has been required to pay an immigration penalty –  
(i) more than three years have elapsed since the date on which the penalty was imposed, and  
(ii) the amount of the penalty has been paid in full.””
- 31 In section 32 (return of licences etc) after subsection (5) insert –  
“(5A) Subsection (4) does not apply if the licence was granted in accordance with section 2A(2) or (4) or 23A(2) or (4) (but see sections 2A(6) and 23A(6)).”
- 32 In section 34 (appeals) after subsection (5) insert –  
“(6) On any appeal, the court is not entitled to entertain any question as to whether –  
(a) a person should be, or should have been, granted leave to enter or remain in the United Kingdom, or  
(b) a person has, after the date of the decision being appealed against, been granted leave to enter or remain in the United Kingdom.”
- 33 After section 56 insert –  
**“56A Persons disqualified by reason of immigration status**  
(1) For the purposes of this Act a person is disqualified by reason of the person’s immigration status from carrying on a licensable activity if the person is subject to immigration control and –  
(a) the person has not been granted leave to enter or remain in the United Kingdom, or  
(b) the person’s leave to enter or remain in the United Kingdom –  
(i) is invalid,  
(ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or  
(iii) is subject to a condition preventing the person from carrying on the licensable activity.

- (2) Where a person is on immigration bail within the meaning of Part 1 of Schedule 7 to the Immigration Act 2016—
  - (a) the person is to be treated for the purposes of this Part as if the person had been granted leave to enter the United Kingdom, but
  - (b) any condition as to the person’s work in the United Kingdom to which the person’s immigration bail is subject is to be treated for those purposes as a condition of leave.
- (3) For the purposes of this section a person is subject to immigration control if under the Immigration Act 1971 the person requires leave to enter or remain in the United Kingdom.
- (4) For the purposes of this section a person carries on a licensable activity if the person—
  - (a) operates a taxi service, or
  - (b) drives a taxi.

#### **56B Immigration offences and immigration penalties**

- (1) In this Act “immigration offence” means—
  - (a) an offence under any of the Immigration Acts,
  - (b) an offence under Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 (SI 1983/1120 (NI 13)) of attempting to commit an offence within paragraph (a), or
  - (c) an offence under Article 9 of that Order of conspiracy to commit an offence within paragraph (a).
- (2) In subsection (1)(a)—
  - (a) “the Immigration Acts” has the meaning given by section 61(2) of the UK Borders Act 2007, and
  - (b) the reference to an offence under any of the Immigration Acts includes an offence under section 133(5) of the Criminal Justice and Immigration Act 2008 (breach of condition imposed on designated person).
- (3) In this Act “immigration penalty” means a penalty under—
  - (a) section 15 of the Immigration, Asylum and Nationality Act 2006 (“the 2006 Act”), or
  - (b) section 23 of the Immigration Act 2014 (“the 2014 Act”).
- (4) For the purposes of this Act a person to whom a penalty notice under section 15 of the 2006 Act has been given is not to be treated as having been required to pay an immigration penalty if—
  - (a) the person is excused payment by virtue of section 15(3) of that Act, or
  - (b) the penalty is cancelled by virtue of section 16 or 17 of that Act.

- (5) For the purposes of this Act a person to whom a penalty notice under section 15 of the 2006 Act has been given is not to be treated as having been required to pay an immigration penalty until such time as—
- (a) the period for giving a notice of objection under section 16 of that Act has expired and the Secretary of State has considered any notice given within that period, and
  - (b) if a notice of objection was given within that period, the period for appealing under section 17 of that Act has expired and any appeal brought within that period has been finally determined, abandoned or withdrawn.
- (6) For the purposes of this Act a person to whom a penalty notice under section 23 of the 2014 Act has been given is not to be treated as having been required to pay an immigration penalty if—
- (a) the person is excused payment by virtue of section 24 of that Act, or
  - (b) the penalty is cancelled by virtue of section 29 or 30 of that Act.
- (7) For the purposes of this Act a person to whom a penalty notice under section 23 of the 2014 Act has been given is not to be treated as having been required to pay an immigration penalty until such time as—
- (a) the period for giving a notice of objection under section 29 of that Act has expired and the Secretary of State has considered any notice given within that period, and
  - (b) if a notice of objection was given within that period, the period for appealing under section 30 of that Act has expired and any appeal brought within that period has been finally determined, abandoned or withdrawn.””

155

Page 78, line 23, at end insert—

*“Transitional provision*

- (1) Subject to sub-paragraph (2), an amendment made by any of paragraphs 2, 3, 3C to 3H, 5 to 10, 14B, 14D(2) and (3), 17 to 20 and 26 to 29 does not apply in relation to an application for a licence made before the coming into force of that paragraph or a licence granted in response to such an application.
- (2) Sub-paragraph (1) does not prevent an amendment made by any of those paragraphs from applying in relation to—
  - (a) an application for the renewal of a licence where that licence was granted before the coming into force of that paragraph, or
  - (b) a licence renewed in response to such an application.
- (1) Subject to sub-paragraphs (2) and (3), an amendment made by any of paragraphs 3I, 3J, 11, 12, 14D(4), 21 and 30 applies in relation to a licence granted before or after the coming into force of that paragraph.
- (2) An amendment made by any of those paragraphs applies in relation to a conviction for an immigration offence only if the person in question has been convicted of that offence after the coming into force of that paragraph in respect of the person’s conduct after that time.

- (3) An amendment made by any of those paragraphs applies in relation to a requirement to pay an immigration penalty only if the person in question has been required to pay the penalty after the coming into force of that paragraph in respect of the person's conduct after that time.
- (1) Section 19(1) of the Plymouth City Council Act 1975 has effect in relation to the licence of a driver of a hackney carriage or private hire vehicle granted before the coming into force of paragraph 3I as if before the "or" at the end of paragraph (a) there were inserted –
- “(ab) in the case of a refusal to renew a licence, that he is disqualified by reason of his immigration status from driving a hackney carriage or a private hire vehicle;”.
- (2) Section 20A(1)(a) of that Act has effect in relation to such a licence as if after “subsection (1)(aa)” there were inserted “or (ab)”.
- (3) Section 20(1) of that Act has effect in relation to an operator's licence granted before the coming into force of paragraph 3J as if before the “or” at the end of paragraph (c) there were inserted –
- “(cb) in the case of a refusal to renew a licence, that the operator is disqualified by reason of the operator's immigration status from operating a private hire vehicle;”.
- (4) Section 20A(1)(b) of that Act has effect in relation to such a licence as if after “subsection (1)(ca)” there were inserted “or (cb)”.
- (5) Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976 has effect in relation to the licence of a driver of a hackney carriage or private hire vehicle granted before the coming into force of paragraph 11 as if before the “or” at the end of paragraph (a) there were inserted –
- “(ab) in the case of a refusal to renew a licence, that he is disqualified by reason of his immigration status from driving a hackney carriage or a private hire vehicle;”.
- (6) Section 62A(1)(a) of that Act has effect in relation to such a licence as if after “subsection (1)(aa)” there were inserted “or (ab)”.
- (7) Section 62(1) of that Act has effect in relation to an operator's licence granted before the coming into force of paragraph 12 as if before the “or” at the end of paragraph (c) there were inserted –
- “(cb) in the case of a refusal to renew a licence, that the operator is disqualified by reason of the operator's immigration status from operating a private hire vehicle;”.
- (8) Section 62A(1)(b) of that Act has effect in relation to such a licence as if after “subsection (1)(ca)” there were inserted “or (cb)”.
- (9) Subsections (3A) to (3C) of section 13 of the Civic Government (Scotland) Act 1982 apply in relation to an application for the renewal of a taxi driver's or private hire car driver's licence granted before the coming into force of paragraph 14B as they apply in relation to an application for the grant of such a licence made after that time.”

### Schedule 3

- (a) the immigration officer considers that the condition in paragraph 1(3) or (6) is not met, or

(b) ”

- 157 Page 85, line 10, leave out “5(1)” and insert “10”
- 158 Page 86, line 34, leave out “Subject to sub-paragraph (4),”
- 159 Page 86, line 35, after “notice” insert “, other than one cancelled under paragraph 3(1)(b),”
- 160 Page 86, line 35, leave out “or an illegal working compliance order”
- 161 Page 86, line 39, leave out “or order”
- 162 Page 86, line 42, at beginning insert –  
 “( ) that at the time the notice was issued, the condition in paragraph 1(3) or (6) was not met,”
- 163 Page 86, line 42, leave out paragraphs (a) and (b)
- 164 Page 87, line 4, leave out “or order”
- 165 Page 87, line 4, at end insert “and”
- 166 Page 87, line 7, leave out sub-paragraph (4)

#### Schedule 5

- 167 Page 94, line 14, after “(b)” insert “subject to subsection (2A),”
- 168 Page 94, line 29, after “(1C)” insert “Subject to subsection (2A),”
- 169 Page 94, line 35, at end insert –  
 “( ) After subsection (2) insert –  
 “(2A) A justice of the peace in Scotland may not issue –  
 (a) an all premises warrant under this section, or  
 (b) a warrant under this section authorising multiple entries.””
- 170 Page 95, line 7, after “(b)” insert “subject to subsection (3C),”
- 171 Page 95, leave out lines 21 to 26 and insert –  
 “( ) After subsection (3) insert –  
 “(3A) Subject to subsection (3C), the warrant may authorise entry to and search of premises on more than one occasion if, on the application, the justice of the peace is satisfied that it is necessary to authorise multiple entries in order to achieve the purpose for which the justice issues the warrant.  
 (3B) If it authorises multiple entries, the number of entries authorised may be unlimited, or limited to a maximum.  
 (3C) A justice of the peace in Scotland may not issue –  
 (a) an all premises warrant under this section, or  
 (b) a warrant under this section authorising multiple entries.””
- 172 Page 96, line 35, leave out “28FB(1C)” and insert “28FB(3A)”

- 173 Page 97, line 36, leave out “28FB(1C)” and insert “28FB(3A)”
- 174 Page 98, line 4, after “(b)” insert “subject to sub-paragraph (6BA),”
- 175 Page 98, line 17, after “(6AC)” insert “Subject to sub-paragraph (6BA),”
- 176 Page 98, line 24, at end insert –  
 “( ) After sub-paragraph (6B) insert –  
 “(6BA) A justice of the peace in Scotland may not issue –  
 (a) an all premises warrant under this paragraph, or  
 (b) a warrant under this paragraph authorising multiple entries.””
- 177 Page 98, line 26, leave out “(6AC)” and insert “(6BA)”
- 178 Page 98, line 38, after “(b)” insert “subject to subsection (3A),”
- 179 Page 99, line 6, after “(2C)” insert “Subject to subsection (3A),”
- 180 Page 99, line 12, at end insert –  
 “( ) After subsection (3) insert –  
 “(3A) A justice of the peace in Scotland may not issue –  
 (a) an all premises warrant under this section, or  
 (b) a warrant under this section authorising multiple entries.””

### Schedule 6

- 181 Page 100, line 9, leave out “Licensing” and insert “and Labour Abuse”
- 182 Page 100, line 23, at end insert –

#### *“Education bodies*

The proprietor of a school or 16 to 19 Academy within the meaning of the Education Act 1996 (see sections 4 and 579(1) of that Act).

The governing body of an institution within the further education sector within the meaning of the Further and Higher Education Act 1992 (see sections 90 and 91 of that Act).

The governing body of a qualifying institution within the meaning of Part 2 of the Higher Education Act 2004 (see sections 11 and 21 of that Act).

The proprietor or governing body of a school within the meaning of the Education (Scotland) Act 1980 (see section 135(1) of that Act).

The proprietor or governing body of a post-16 education body within the meaning of the Further and Higher Education (Scotland) Act 2005 (see section 35 of that Act).

The proprietor of a school within the meaning of the Education and Libraries (Northern Ireland) Order 1986 (SI 1986/594 (NI 3)) (see Article 2(2) of that Order).

The governing body of an institution of further education within the meaning of the Further Education (Northern Ireland) Order 1997 (SI 1997/1772 (NI 15)) (see Article 2(2) of that Order).

The governing body of a higher education institution as defined by Article 30(3) of the Education and Libraries (Northern Ireland) Order 1993 (SI 1993/2810 (NI 12)).”

#### Schedule 7

- 183** Page 102, line 20, at beginning insert “Subject to sub-paragraph (1A),”
- 184** Page 102, line 31, at end insert –
- “(1A) Sub-paragraph (1B) applies in place of sub-paragraph (1) in relation to a person who is being detained under a provision mentioned in paragraph 1(1)(b) or (d) or who is liable to detention under such a provision.
- (1B) If immigration bail is granted to such a person –
- (a) subject to sub-paragraphs (2A) to (2E), it must be granted subject to an electronic monitoring condition,
  - (b) if, by virtue of sub-paragraph (2A) or (2C), it is not granted subject to an electronic monitoring condition, it must be granted subject to one or more of the other conditions mentioned in sub-paragraph (1), and
  - (c) if it is granted subject to an electronic monitoring condition, it may be granted subject to one or more of those other conditions.”
- 185** Page 102, line 32, after “bail” insert “granted in accordance with sub-paragraph (1) or (1B)”
- 186** Page 102, line 34, leave out sub-paragraphs (3) to (5) and insert –
- “(2A) Sub-paragraph (1B)(a) does not apply to a person who is granted immigration bail by the Secretary of State if the Secretary of State considers that to impose an electronic monitoring condition on the person would be –
- (a) impractical, or
  - (b) contrary to the person’s Convention rights.
- (2B) Where sub-paragraph (2A) applies, the Secretary of State must not grant immigration bail to the person subject to an electronic monitoring condition.
- (2C) Sub-paragraph (1B)(a) does not apply to a person who is granted immigration bail by the First-tier Tribunal if the Secretary of State informs the Tribunal that the Secretary of State considers that to impose an electronic monitoring condition on the person would be –
- (a) impractical, or
  - (b) contrary to the person’s Convention rights.
- (2D) Where sub-paragraph (2C) applies, the First-tier Tribunal must not grant immigration bail to the person subject to an electronic monitoring condition.

(2E) In considering for the purposes of this Schedule whether it would be impractical to impose an electronic monitoring condition on a person, or would be impractical for a person to continue to be subject to such a condition, the Secretary of State may in particular have regard to—

- (a) any obstacles to making arrangements of the kind mentioned in paragraph 4 in relation to the person,
- (b) the resources that are available for imposing electronic monitoring conditions on persons to whom sub-paragraph (1A) applies and for managing the operation of such conditions in relation to such persons,
- (c) the need to give priority to the use of those resources in relation to particular categories of persons to whom that sub-paragraph applies, and
- (d) the matters listed in paragraph 3(2) as they apply to the person.

(2F) In this Schedule “Convention rights” is to be construed in accordance with section 1 of the Human Rights Act 1998.”

187 Page 105, line 23, leave out “Where” and insert “Subject to this paragraph and to paragraphs 6A and 6B, where a”

188 Page 105, line 35, at end insert—

“(4A) The First-tier Tribunal may not exercise the power in sub-paragraph (1)(a) so as to amend an electronic monitoring condition.”

189 Page 105, line 36, leave out sub-paragraph (5)

190 Page 105, line 39, leave out “decides to exercise, or to refuse” and insert “exercises, or refuses”

191 Page 105, line 44, leave out sub-paragraphs (8) to (10)

192 Page 106, line 7, at end insert—

*“Removal etc of electronic monitoring condition: bail managed by Secretary of State*

6A (1) This paragraph applies to a person who—

- (a) is on immigration bail—
  - (i) pursuant to a grant by the Secretary of State, or
  - (ii) pursuant to a grant by the First-tier Tribunal in a case where the Tribunal has directed that the power in paragraph 6(1) is exercisable by the Secretary of State, and
- (b) before the grant of immigration bail, was detained or liable to detention under a provision mentioned in paragraph 1(1)(b) or (d).

(2) Where the person is subject to an electronic monitoring condition, the Secretary of State—

- (a) must not exercise the power in paragraph 6(1) so as to remove the condition unless sub-paragraph (3) applies, but
- (b) if that sub-paragraph applies, must exercise that power so as to remove the condition.

(3) This sub-paragraph applies if the Secretary of State considers that—

- (a) it would be impractical for the person to continue to be subject to the condition, or

- (b) it would be contrary to that person's Convention rights for the person to continue to be subject to the condition.
- (4) If, by virtue of paragraph 2(2A) or (2C) or this paragraph, the person is not subject to an electronic monitoring condition, the Secretary of State –
  - (a) must not exercise the power in paragraph 6(1) so as to impose such a condition on the person unless sub-paragraph (5) applies, but
  - (b) if that sub-paragraph applies, must exercise that power so as to impose such a condition on the person.
- (5) This sub-paragraph applies if, having considered whether it would be impractical or contrary to the person's Convention rights to impose such a condition on the person, the Secretary of State –
  - (a) does not consider that it would be impractical to do so, and
  - (b) does not consider that it would be contrary to the person's Convention rights to do so.

*Amendment etc of electronic monitoring condition: bail managed by First-tier Tribunal*

- 6B (1) This paragraph applies to a person who –
- (a) is on immigration bail pursuant to a grant by the First-tier Tribunal in a case where the Tribunal has not directed that the power in paragraph 6(1) is exercisable by the Secretary of State, and
  - (b) before the person was granted immigration bail, was detained or liable to detention under a provision mentioned in paragraph 1(1)(b) or (d).
- (2) Where the person is subject to an electronic monitoring condition, the First-tier Tribunal –
- (a) must not exercise the power in paragraph 6(1) so as to remove the condition unless sub-paragraph (3) applies, but
  - (b) if that sub-paragraph applies, must exercise that power so as to remove the condition.
- (3) This sub-paragraph applies if the Secretary of State notifies the First-tier Tribunal that the Secretary of State considers that –
- (a) it would be impractical for the person to continue to be subject to the condition, or
  - (b) it would be contrary to that person's Convention rights for the person to continue to be subject to the condition.
- (4) If, by virtue of paragraph 2(2C) or this paragraph, the person is not subject to an electronic monitoring condition, the First-tier Tribunal –
- (a) must not exercise the power in paragraph 6(1) so as to impose such a condition on the person unless sub-paragraph (5) applies, but
  - (b) if that sub-paragraph applies, must exercise that power so as to impose such a condition on the person.
- (5) This sub-paragraph applies if the Secretary of State notifies the First-tier Tribunal that the Secretary of State –
- (a) does not consider that it would be impractical to impose such a condition on the person, and

- (b) does not consider that it would be contrary to the person's Convention rights to impose such a condition on the person."

193 Page 106, line 9, after "where" insert " – (a)"

194 Page 106, line 10, leave out "imposed by the Secretary of State"

195 Page 106, leave out lines 12 and 13

196 Page 107, line 37, at end insert ", subject to sub-paragraph (13A)"

197 Page 107, line 40, after "this" insert "is subject to sub-paragraph (13A), and"

198 Page 107, line 41, at end insert –

"(13A) The power in sub-paragraph (12) to grant bail subject to the same conditions and the duty in sub-paragraph (13) to do so do not affect the requirement for the grant of bail to comply with paragraph 2."

199 Page 108, line 26, leave out "sub-paragraph (2)" and insert "this sub-paragraph"

200 Page 108, line 29, leave out "This sub-paragraph" and insert "Sub-paragraph (1)"

201 Page 108, line 42, at end insert –

"(2A) Regulations under section 61(1) may, in particular –

- (a) make provision about the circumstances in which the power in paragraph 6(1) may or must be exercised so as to impose an electronic monitoring condition on a person to whom this sub-paragraph applies;
- (b) enable the Secretary of State to exercise a discretion in determining whether an electronic monitoring condition should be imposed on such a person,  
and may, in particular, do so by providing for paragraph 6A or 6B to have effect with modifications in relation to such a person.

(2B) Sub-paragraph (2A) applies to a person who –

- (a) by virtue of regulations under section 61(1) is treated as having been granted immigration bail as a result of falling within –
  - (i) sub-paragraph (2)(c), (d) or (e), or
  - (ii) sub-paragraph (2)(f) on the basis that the person had been released on bail from detention under paragraph 2 of Schedule 3 to the Immigration Act 1971,
- (b) is not treated as being subject to an electronic monitoring condition, and
- (c) is not otherwise subject to an electronic monitoring condition.

(2C) Sub-paragraph (2A) applies to a person who –

- (a) is on immigration bail pursuant to a grant before the coming into force of paragraph 2(1A) and (1B), or the coming into force of those provisions in relation to grants of that kind,
- (b) before the grant of immigration bail, was detained or liable to detention under a provision mentioned in paragraph 1(1)(b) or (d), and
- (c) is not subject to an electronic monitoring condition."

- 202** Page 109, line 4, at end insert –
- “ In section 11(1) (construction of references to entry) –
- (a) omit “, or temporarily admitted or released while liable to detention,”,
  - (b) omit “or by Part III of the Immigration and Asylum Act 1999”, and
  - (c) for “or by section 68 of the Nationality, Immigration and Asylum Act 2002” substitute “or on immigration bail within the meaning of Schedule 7 to the Immigration Act 2016”.
- 203** Page 110, line 47, at end insert –
- “( ) A reference in any provision of, or made under, an enactment other than this paragraph to immigration bail granted, or a condition imposed, under Schedule 7 to the Immigration Act 2016 includes bail granted by the court under sub-paragraph (1) or (1A) or (as the case may be) a condition imposed by the court on the grant of such bail.”
- 204** Page 111, line 28, leave out “(3) and (5)” and insert “(2C) and (2D)”
- 205** Page 111, line 31, leave out “(5)” and insert “(2C)”
- 206** Page 112, line 5, leave out “, (7), (8) and (9)” and insert “and (7)”
- 207** Page 112, line 7, after “Commission”, insert –
- “( ) in sub-paragraph (4A) for “The First-tier Tribunal” there were substituted “The Special Immigration Appeals Commission”.
- 208** Page 112, line 8, leave out “, (6) and (10)” and insert “and (6)”
- 209** Page 112, line 9, at end insert –
- “ Paragraph 6A(1)(a)(ii) (removal etc of electronic monitoring condition: bail managed by Secretary of State) has effect as if –
- (a) for “the First-tier Tribunal” there were substituted “the Special Immigration Appeals Commission”, and
  - (b) for “the Tribunal” there were substituted “the Commission”.
- Paragraph 6B (amendment etc of electronic monitoring condition: bail managed by First-tier Tribunal) has effect as if –
- (a) in sub-paragraphs (1)(a), (2), (3), (4) and (5) for “the First-tier Tribunal” there were substituted “the Special Immigration Appeals Commission”, and
  - (b) in sub-paragraph (1)(a) for “the Tribunal” there were substituted “the Commission”.
- 210** Page 112, line 12, at end insert –

*“Immigration and Asylum Act 1999 (c. 33)*

The Immigration and Asylum Act 1999 is amended as follows.

In section 10(9) (removal of persons unlawfully in the United Kingdom: application of Schedule 2 to the Immigration Act 1971) omit paragraphs (h) and (i).

In section 53 (applications for bail in immigration cases) omit subsection (4).

In section 95(9A) (support for asylum seekers etc: matters to which conditions may relate) in paragraph (b) for the words from “restriction” to the end of the paragraph substitute “condition imposed under Schedule 7 to the Immigration Act 2016 (immigration bail).”

- (1) Section 141 (fingerprinting: persons temporarily admitted to the United Kingdom) is amended as follows.
- (2) In subsection (7)(b) for “temporarily admitted under paragraph 21 of Schedule 2 to the 1971 Act” substitute “granted immigration bail under Schedule 7 to the Immigration Act 2016”.
- (3) In subsection (8)(b) for “admit him temporarily” substitute “grant him bail”.

**211** Page 112, line 14, at end insert –

- “
- (1) Section 23 (power for residence restriction to include requirement to reside at accommodation centre) is amended as follows.
  - (2) In subsection (1) for “restriction” substitute “condition”.
  - (3) For subsection (2) substitute –
    - “(2) In subsection (1) “residence condition” means a condition imposed under Schedule 7 to the Immigration Act 2016.”
  - (4) In subsection (4) for “restriction” substitute “condition”.

In section 30 (conditions of residence at accommodation centres) in subsection (7) for the words from “restriction” to the end of the subsection substitute “condition imposed under Schedule 7 to the Immigration Act 2016.””

**212** Page 112, line 18, at end insert –

- “
- (1) Section 70 (power for residence restriction to take account of induction programmes for asylum seekers) is amended as follows.
  - (2) In subsection (1) for “restriction” in both places substitute “condition”.
  - (3) For subsection (2) substitute –
    - “(2) In subsection (1) “residence condition” means a condition imposed under Schedule 7 to the Immigration Act 2016.”
  - (4) In subsection (5) for “restrictions” substitute “conditions”.
  - (1) Section 71 (asylum seeker: residence etc restriction) is amended as follows.
    - (2) In subsection (2) –
      - (a) for the words from “restriction” to “restrictions)” substitute “condition which may be imposed under Schedule 7 to the Immigration Act 2016”, and
      - (b) for “that Schedule” substitute “Schedule 2 to the Immigration Act 1971”.
    - (3) In subsection (3) –
      - (a) for “restriction” in each place substitute “condition”,
      - (b) for “paragraph 21 of that Schedule” substitute “Schedule 7 to the Immigration Act 2016”, and
- ”

(c) for “that Schedule” substitute “Schedule 2 to the Immigration Act 1971”.

(4) In subsection (4) for “restriction” substitute “condition”.

**213** Page 112, line 24, at end insert –  
 “( ) in the heading, for “Temporary admission, &c” substitute “Immigration bail”;

**214** Page 113, line 4, at end insert –  
 “( ) A reference in any provision of, or made under, an enactment other than this section to immigration bail granted, or a condition imposed, under Schedule 7 to the Immigration Act 2016 includes bail granted by the court under subsection (3) or (as the case may be) a condition imposed by the court on the grant of such bail.”

**215** Page 113, line 6, at end insert –  
 “*Criminal Justice and Immigration Act 2008 (c. 4)*

The Criminal Justice and Immigration Act 2008 is amended as follows.

In section 132(4) (special immigration status: effect of designation) in paragraph (b) for the words from “temporary admission” to the end of the paragraph substitute “immigration bail under Schedule 7 to the Immigration Act 2016.”

In section 133 (special immigration status: conditions) for subsections (3) and (4) substitute –

“(3) If a condition is imposed under this section on a designated person, the person imposing the condition may also impose an electronic monitoring condition within the meaning of Schedule 7 to the Immigration Act 2016 on the designated person.

(3A) Paragraph 4 (electronic monitoring conditions) of that Schedule applies in relation to a condition imposed under subsection (3) as it applies to an electronic monitoring condition imposed under that Schedule.

(4) Paragraph 7(4) and (5) (bail conditions: travelling expenses) of that Schedule applies in relation to conditions imposed under subsection (2)(c) as it applies to conditions imposed under that Schedule.”

### Schedule 8

**216** Page 114, line 5, at end insert –  
 “( ) in section 134 of the Criminal Justice and Immigration Act 2008, omit subsection (5);”

**217** Page 114, line 7, after “or” insert “and “persons temporarily admitted and”

**218** Page 114, line 7, at end insert –  
 “( ) in paragraph 8 of Schedule 3 to the Immigration Act 2014, omit paragraph (a)”

**219** Page 117, line 33, leave out from “a” to end of line 36 and insert “condition imposed under Schedule 7 to the Immigration Act 2016 (immigration bail);”

- 220** Page 120, line 32, at end insert –
- “ (1) Section 166 (regulations and orders) is amended as follows.
- (2) In subsection (5) (regulations subject to the affirmative procedure) for the “or” at the end of paragraph (c) substitute –
- “(ca) section 95A, or”.
- (3) After subsection (5) insert –
- “(5A) No regulations under paragraph 1 of Schedule 8 which make provision with respect to the powers conferred by section 95A are to be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.
- (5B) Subsection (5A) does not apply to regulations under paragraph 1 of that Schedule which make provision of the kind mentioned in paragraph 3(a) of that Schedule.”
- (4) In subsection (6) (regulations subject to the negative procedure) for the “or” at the end of paragraph (a) substitute –
- “(aa) under the provision mentioned in subsection (5A) and containing regulations to which that subsection applies, or”.

- 221** Page 121, line 31, at end insert –
- “ In Schedule 3 to the Immigration Act 2014 (excluded residential tenancy agreements), in paragraph 8 (accommodation provided by virtue of immigration provisions) –
- (a) in paragraph (b) after “95” insert “or 95A”, and
- (b) in paragraph (c) after “98” insert “or 98A”.

### Schedule 9

- 222** Page 125, line 30, after “person” insert “in England”
- 223** Page 125, line 31, after “paragraph” insert “4, 5 or”
- 224** Page 125, line 36, at end insert –
- “( ) In that sub-paragraph, in paragraph (h) for “or 36” substitute “, 35A or 35B”.
- 225** Page 125, line 39, after “person” insert “in England”
- 226** Page 125, line 40, after second “paragraph” insert “4, 5 or”
- 227** Page 126, line 24, at end insert –
- “ After paragraph 2 insert –
- “2A (1) Paragraph 1(1)(g) or (ga) does not prevent the provision of support or assistance under a relevant provision to a person to whom paragraph 1 would otherwise apply by virtue of paragraph 7B if –
- (a) conditions A and B are satisfied in relation to that person, and
- (b) condition C, D or E is satisfied in relation to that person.

- 
- (2) In sub-paragraph (1) “relevant provision” means—
    - (a) section 23C, 23CZA or 23CA of the Children Act 1989,
    - (b) regulations under section 23D of that Act, or
    - (c) section 24A or 24B of that Act.
  - (3) Condition A is that—
    - (a) the person has made an application for leave to enter or remain in the United Kingdom, and
    - (b) where regulations made by the Secretary of State require that the application must be of a kind specified in the regulations for this condition to be satisfied, the application is of that kind.
  - (4) Condition B is that—
    - (a) the application is the first application for leave to enter or remain in the United Kingdom that the person has made, or
    - (b) where regulations under sub-paragraph (3)(b) require that the application must be of a kind specified in the regulations for condition A to be satisfied, the application is the first application of that kind that the person has made.
  - (5) Condition C is that the application has not been determined or withdrawn.
  - (6) Condition D is that—
    - (a) the application has been refused,
    - (b) the person could bring an appeal under section 82(1) against the refusal (ignoring any possibility of an appeal out of time with permission), and
    - (c) if the person brought such an appeal, it would not be one that, by virtue of section 92(6), would have to be continued from outside the United Kingdom.
  - (7) Condition E is that—
    - (a) the application has been refused,
    - (b) the person has appealed under section 82(1) against the refusal,
    - (c) the appeal is not one that, by virtue of section 92(6), must be continued from outside the United Kingdom, and
    - (d) the appeal is pending within the meaning of section 104.
  - (8) For the purposes of sub-paragraph (3) the Secretary of State may by regulations provide for circumstances in which—
    - (a) a person is to be treated as having made an application for leave to enter or remain in the United Kingdom (despite not having made one), or
    - (b) a person is to be treated as not having made such an application where the Secretary of State is satisfied that the application made is vexatious or wholly without merit.””

228 Page 127, line 23, at end insert –

*“Seventh class of ineligible person: primary carer without leave to enter or remain*

- 7C (1) Paragraph 1 applies to a person in England (“P”) if –
- (a) P is the primary carer of a British citizen (“the relevant British citizen”),
  - (b) the relevant British citizen is residing in the United Kingdom,
  - (c) the relevant British citizen would be unable to reside in the United Kingdom or in another EEA State if P were required to leave the United Kingdom,
  - (d) if circumstances were not as mentioned in paragraphs (a) to (c), under the Immigration Act 1971 P would require leave to enter or remain in the United Kingdom but would not have such leave, and
  - (e) P is not an asylum-seeker.
- (2) Paragraph 1 also applies to the dependant of a person to whom that paragraph applies by virtue of sub-paragraph (1).
- (3) In making for the purposes of this Schedule or regulations made under it a determination as to whether sub-paragraph (1)(c) applies in relation to P, a person may rely on –
- (a) a document of a kind specified in regulations made by the Secretary of State, or
  - (b) information or guidance provided by the Secretary of State for the purposes of such a determination.”

229 Page 127, line 28, after “7B(1)” insert “or 7C(1)”

230 Page 127, line 32, leave out “or D” and insert “, D or E”

231 Page 128, line 8, at end insert –

- “( ) Condition B is that –
- (a) the person could bring an appeal under section 82(1) (ignoring any possibility of an appeal out of time with permission), and
  - (b) if the person brought such an appeal, it would not be one that, by virtue of section 92(6), would have to be continued from outside the United Kingdom.”

232 Page 128, line 9, leave out “B” and insert “C”

233 Page 128, line 14, leave out “C” and insert “D”

234 Page 128, line 18, leave out “D” and insert “E”

235 Page 128, line 26, at end insert –

- “( ) The Secretary of State may make regulations providing for arrangements to be made for support to be provided to a person (“P”) –
- (a) to whom paragraph 1 applies by virtue of paragraph 7B(1) or 7C(1), and
  - (b) who it appears to a person specified in the regulations may be destitute,

until a person by whom support may be provided under arrangements by virtue of sub-paragraph (1) is able to determine whether such support should be provided to P.”

- 236** Page 129, leave out lines 9 and 10 and insert –  
 “( ) who would otherwise be eligible for support or assistance under section 23C, 23CZA or 23CA of the Children Act 1989, under regulations under section 23D of that Act or under section 24A or 24B of that Act,”
- 237** Page 129, line 11, leave out “(b) who is not a relevant failed asylum seeker,”
- 238** Page 129, line 12, leave out “or C” and insert “, C or D”
- 239** Page 129, leave out lines 13 to 23
- 240** Page 129, line 33, at end insert –  
 “( ) Condition B is that –  
 (a) the person is destitute,  
 (b) the person could bring an appeal under section 82(1) (ignoring any possibility of an appeal out of time with permission), and  
 (c) if the person brought an appeal under section 82(1), it would not be one that, by virtue of section 92(6), would have to be continued from outside the United Kingdom.”
- 241** Page 129, line 34, leave out “B” and insert “C”
- 242** Page 129, line 40, leave out “C” and insert “D”
- 243** Page 130, line 2, at end insert –  
 “( ) The Secretary of State may make regulations providing for arrangements to be made for support to be provided to a person (“P”) –  
 (a) to whom paragraph 1 applies by virtue of paragraph 7B(1), and  
 (b) who it appears to a person specified in the regulations may be destitute,  
 until a person by whom support may be provided under arrangements by virtue of sub-paragraph (1) is able to determine whether such support should be provided to P.”
- 244** Page 130, line 31, leave out “or 7B” and insert “, 7B or 7C”
- 245** Page 130, line 38, after “made” insert “by the Secretary of State”
- 246** Page 131, line 1, at beginning insert –  
 “(1) Paragraph 16 (orders and regulations) is amended as follows.  
 (2) ”
- 247** Page 131, line 1, leave out from “In” to “after” in line 2 and insert “sub-paragraph (2)(d)”
- 248** Page 131, line 3, at end insert –  
 “(3) In sub-paragraph (3) after “2(1)(d) or (e)” insert “, 2A(3)(b), 10A or 10B”.”

249 Page 131, line 3, at end insert—

“ In Schedule 3 to the Immigration Act 2014 (excluded residential tenancy agreements) after paragraph 8 insert—

“8A An agreement under which accommodation is provided to a person under arrangements made by virtue of paragraph 10A or 10B of Schedule 3 to the Nationality, Immigration and Asylum Act 2002 (support for certain persons who are otherwise ineligible for support by virtue of that Schedule).”

#### **Schedule 10**

250 Page 136, line 3, at end insert—

“(1A) A statutory instrument containing (whether alone or with other provision) regulations under paragraph 28(6) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

251 Page 136, line 4, after “containing” insert “any other”

252 Page 136, line 5, after “Schedule” insert “and to which sub-paragraph (1A) does not apply”

#### **Schedule 11**

253 Page 140, line 16, leave out from “means” to end of line 18 and insert “only a person who is—

- (a) a member of the Police Service of Northern Ireland,
- (b) a member of the Police Service of Northern Ireland Reserve, or
- (c) a person appointed as a special constable in Northern Ireland by virtue of provision incorporating section 79 of the Harbours, Docks, and Piers Clauses Act 1847;”

#### **In the Title**

254 Line 3, leave out “Director of Labour Market Enforcement” and insert “enforcement of certain legislation relating to the labour market”

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LORDS AMENDMENTS TO THE  
IMMIGRATION BILL

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*Ordered, by The House of Commons,  
to be Printed, 12 April 2016.*

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