
Changes to legislation: Immigration and Asylum Act 1999, Cross Heading: The Commissioner's rules is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 5

THE IMMIGRATION SERVICES COMMISSIONER

PART I

REGULATORY FUNCTIONS

The Commissioner's rules

- 1 (1) The Commissioner may make rules regulating any aspect of the professional practice, conduct or discipline of—
- (a) registered persons, and
 - [^{F1}(b) those acting on behalf of registered persons,]
- in connection with the provision of immigration advice or immigration services.
- (2) Before making or altering any rules, the Commissioner must consult such persons appearing to him to represent the views of persons engaged in the provision of immigration advice or immigration services as he considers appropriate.
- (3) In determining whether a registered person is competent or otherwise fit to provide immigration advice or immigration services, the Commissioner may take into account any breach of the rules by—
- (a) that person; and
 - [^{F2}(b) any person acting on behalf of that person.]
- (4) The rules may, among other things, make provision requiring the keeping of accounts or the obtaining of indemnity insurance.

Textual Amendments

- F1** Sch. 5 para. 1(1)(b) substituted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), ss. 37\(5\)\(a\), 48\(3\); S.I. 2004/2523, art. 2, Sch.](#)
- F2** Sch. 5 para. 1(3)(b) substituted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), ss. 37\(5\)\(b\), 48\(3\); S.I. 2004/2523, art. 2, Sch.](#)

Commencement Information

- I1** Sch. 5 para. 1 wholly in force at 30.10.2000; Sch. 5 para. 1 not in force at Royal Assent see s. 170(4); Sch. 5 para. 1(1)(2)(4) in force at 22.5.2000 by [S.I. 2000/1282, art. 2, Sch.](#); Sch. 5 para. 1 in force so far as not already in force at 30.10.2000 by [S.I. 2000/1985, art. 2 Sch.](#)

- 2 (1) The Commissioner's rules must be made or altered by an instrument in writing.
- (2) Such an instrument must specify that it is made under this Schedule.

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- (3) Immediately after such an instrument is made, it must be printed and made available to the public.
- (4) The Commissioner may charge a reasonable fee for providing a person with a copy of the instrument.
- (5) A person is not to be taken to have contravened a rule made by the Commissioner if he shows that at the time of the alleged contravention the instrument containing the rule had not been made available in accordance with this paragraph.
- (6) The production of a printed copy of an instrument purporting to be made by the Commissioner on which is endorsed a certificate signed by an officer of the Commissioner authorised by him for that purpose and stating—
 - (a) that the instrument was made by the Commissioner,
 - (b) that the copy is a true copy of the instrument, and
 - (c) that on a specified date the instrument was made available to the public in accordance with this paragraph,
 is evidence (or in Scotland sufficient evidence) of the facts stated in the certificate.
- (7) A certificate purporting to be signed as mentioned in sub-paragraph (6) is to be treated as having been properly signed unless the contrary is shown.
- (8) A person who wishes in any legal proceedings to rely on an instrument containing the Commissioner's rules may require him to endorse a copy of the instrument with a certificate of the kind mentioned in sub-paragraph (6).

Commencement Information

I2 Sch. 5 para. 2 wholly in force at 30.10.2000; Sch. 5 para. 2 not in force at Royal Assent see s. 170(4); Sch. 5 para. 2(1)-(4)(6)-(8) in force at 22.5.2000 by [S.I. 2000/1282](#), [art. 2](#), [Sch.](#); Sch. 5 para. 2 in force so far as not already in force at 30.10.2000 by [S.I. 2000/1985](#), [art. 2](#), [Sch.2](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 10(12) inserted by [2023 c. 37 s. 10\(6\)](#)
- s. 40(1)-(1C) substituted for s. 40(1) by [2022 c. 36 s. 76\(2\)](#)
- s. 40(4A)(4B) inserted by [2022 c. 36 s. 76\(5\)](#)
- s. 72(10) repealed by [2004 c. 19 Sch. 4](#)
- s. 94(2A)-(2C) inserted by [2016 c. 19 Sch. 11 para. 3\(3\)](#)
- s. 94(2D) inserted by [2016 c. 19 Sch. 11 para. 7\(4\)](#)
- s. 94(3)(3A) substituted for s. 94(3) by [2002 c. 41 s. 44\(4\)](#) (This amendment is repealed (prosp.) by [2016 c. 19, Sch. 11 para. 41](#))
- s. 94(3A)-(3D) inserted by [2016 c. 19 Sch. 11 para. 3\(5\)](#)
- s. 95A inserted by [2016 c. 19 Sch. 11 para. 9](#)
- s. 96(1A) inserted by [2016 c. 19 Sch. 11 para. 10\(3\)](#)
- s. 97(3A)(b)(iv) inserted by [2022 c. 36 s. 13\(2\)\(c\)\(ii\)](#)
- s. 97(8)(9) inserted by [2016 c. 19 Sch. 11 para. 11\(4\)](#)
- s. 98A inserted by [2016 c. 19 Sch. 11 para. 13](#)
- s. 98A(5) inserted by [2022 c. 36 s. 13\(4\)](#)
- s. 103(4)(a) words substituted by [2004 c. 19 s. 10\(4\)\(b\)](#)
- s. 103(5)(b) word substituted by [S.I. 2008/2833 Sch. 3 para. 183\(ii\)](#)
- s. 103A(1) words substituted by [2004 c. 19 s. 10\(5\)](#)
- s. 103A(1) heading words substituted by [2004 c. 19 s. 10\(5\)](#)
- s. 103A(1) words substituted by [S.I. 2008/2833 Sch. 3 para. 184](#)
- s. 125(2)(ba) inserted by [2016 c. 19 Sch. 11 para. 22\(3\)\(b\)](#)
- s. 146(2)(za) inserted by [2016 c. 19 s. 44\(9\)](#)
- s. 166(5)(ca) substituted for word in s. 166(5)(c) by [2016 c. 19 Sch. 11 para. 24\(2\)](#)
- s. 166(5A)(5B) inserted by [2016 c. 19 Sch. 11 para. 24\(3\)](#)
- s. 166(6)(aa) substituted for word in s. 166(6)(a) by [2016 c. 19 Sch. 11 para. 24\(4\)](#)
- Sch. 2 para. 21 modified by [2002 c. 41 s. 23\(2\)\(a\)](#)
- Sch. 3 para. 2(5) modified by [2002 c. 41 s. 23\(2\)\(b\)](#)