
Changes to legislation: Immigration Act 2016, Paragraph 15 is up to date with all changes known to be in force on or before 23 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 4

LICENSING ACT 2003: AMENDMENTS RELATING TO ILLEGAL WORKING

PART 3

PERSONAL LICENCES

- 15 (1) Section 120 (determination of application for grant) is amended as follows.
- (2) In subsection (2)—
- (a) after paragraph (a) insert—
 - “(aa) he is entitled to work in the United Kingdom,”;
 - (b) in paragraph (d), at the end insert “ or required to pay an immigration penalty ”.
- (3) In subsection (3), for “paragraph (a), (b) or (c)” substitute “ any of paragraphs (a) to (c) ”.
- (4) In subsection (4), for “(a), (b) and (c)” substitute “ (a) to (c) ”.
- (5) In subsection (5)—
- (a) omit the “and” at the end of paragraph (a);
 - (b) at the end of paragraph (b) insert “and
 - (c) the applicant having been required to pay any immigration penalty,”.
- (6) After subsection (5) insert—
- “(5A) If it appears to the authority that the applicant meets the conditions in paragraphs (a) to (c) of subsection (2) but fails to meet the condition in paragraph (d) of that subsection by virtue of having been—
- (a) convicted of an immigration offence,
 - (b) convicted of a foreign offence that the authority considers to be comparable to an immigration offence, or
 - (c) required to pay an immigration penalty,
- the authority must give the Secretary of State a notice to that effect.
- (5B) Where, having regard to—
- (a) any conviction of the applicant for an immigration offence,
 - (b) any conviction of the applicant for a foreign offence which the Secretary of State considers to be comparable to an immigration offence, and
 - (c) the applicant having been required to pay any immigration penalty,

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the Secretary of State is satisfied that granting the licence would be prejudicial to the prevention of illegal working in licensed premises, the Secretary of State must, within the period of 14 days beginning with the day the Secretary of State received the notice under subsection (5A), give the authority a notice stating the reasons for being so satisfied (an “immigration objection notice”).”

- (7) In subsection (6), for “is given within that period (or the notice is withdrawn)” substitute “or immigration objection notice is given within the period of 14 days referred to in subsection (5) or (5B) (as the case may be), or any such notice given is withdrawn,”.
- (8) In subsection (7)—
- (a) in the words before paragraph (a), for “In any other case,” substitute “Where an objection notice or an immigration objection notice is given within the period of 14 days referred to in subsection (5) or (5B) (as the case may be), and not withdrawn,”;
 - (b) in paragraph (a)—
 - (i) omit “objection”;
 - (ii) for “chief officer of police” substitute “person who gave the notice”;
 - (c) for paragraph (b) substitute—

“(b) having regard to the notice, must—

 - (i) where the notice is an objection notice, reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so, or
 - (ii) where the notice is an immigration objection notice, reject the application if it considers it appropriate for the prevention of illegal working in licensed premises to do so.”
- (9) After subsection (7) insert—
- “(7A) An application that is not rejected by the authority under subsection (7)(b) must be granted by it.”

Commencement Information

II Sch. 4 para. 15 in force at 6.4.2017 by S.I. 2017/380, reg. 2(b)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/1241, Sch. by [S.I. 2018/31 reg. 2](#)

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. 69(9)(d) and word inserted by [2023 c. 37 s. 21\(2\)\(b\)](#)
- Sch. 10 para. 3(2)(eza) inserted by [2023 c. 37 s. 13\(3\)\(a\)](#)
- Sch. 10 para. 3(3A)-(3C) inserted by [2023 c. 37 s. 13\(3\)\(b\)](#)
- Sch. 10 para. 3A and cross-heading inserted by [2023 c. 37 s. 13\(4\)](#)