

SCHEDULES

SCHEDULE 5

PRIVATE HIRE VEHICLES ETC

Local Government (Miscellaneous Provisions) Act 1976 (c. 57)

28 After section 79 insert—

“79A Persons disqualified by reason of immigration status

- (1) For the purposes of this Part 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 10 to the Immigration Act 2016—
 - (a) the person is to be treated for the purposes of this Part 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.

79B Immigration offences and immigration penalties

- (1) In this Part of this Act “immigration offence” means—
 - (a) an offence under any of the Immigration Acts;

Status: This is the original version (as it was originally enacted).

- (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 Part of 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 Part 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 Part 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 Part 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 Part 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.”