

---

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force section 22 of the Immigration and Asylum Act 1999 on 2nd May 2001. Section 22 inserts section 8A into the Asylum and Immigration Act 1996. Section 8A requires the Secretary of State to issue a code of practice as to the measures which an employer is to be expected to take or not to take to avoid both unlawful discrimination and the commission of an offence under section 8 of the Asylum and Immigration Act 1996 (restrictions on employment).

This Order also brings into force all remaining provisions of Part V of the Immigration and Asylum Act 1999, which establishes the regulatory scheme governing the provision of immigration advice and services, on 30th April 2001.

Of the Part V provisions brought into force by this Order, section 91 creates a criminal offence of providing immigration advice or services whilst unqualified in contravention of section 84 or providing immigration advice or services in breach of a restraining order made under section 89(8), Section 90(1) or paragraph 9(3) of Schedule 5. This offence is punishable with a maximum term of imprisonment of two years. Under the remaining provisions of section 84, the categories of person deemed to be “qualified”, as well as categories of a person to whom the prohibition does not apply, are now extended. Section 92 sets out the procedure by which the Immigration Services Commissioner may obtain an injunction or interdict where it appears to him that the criminal offence is being committed and is likely to continue otherwise.

The remaining provisions brought into force under section 86 oblige designated professional bodies to pay fees (to be specified by order) to the Immigration Services Commissioner for the purpose of financing the regulatory scheme. Section 90 is also brought into force in full, providing for disciplinary bodies to make orders suspending or prohibiting persons subject to their jurisdiction from providing immigration advice or services, or restricting such advice or services as appropriate.