

2001 No. 1403

IMMIGRATION

**The Immigration and Asylum Act 1999 (Part V Exemption:
Educational Institutions and Health Sector Bodies)
Order 2001**

<i>Made</i> - - - - -	<i>5th April 2001</i>
<i>Laid before Parliament</i>	<i>9th April 2001</i>
<i>Coming into force</i> - -	<i>30th April 2001</i>

The Secretary of State, in exercise of the powers conferred on him by sections 84(4)(d) and 166 of the Immigration and Asylum Act 1999(a), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Immigration and Asylum Act 1999 (Part V Exemption: Educational Institutions and Health Sector Bodies) Order 2001 and shall come into force on 30th April 2001.

Interpretation

2. In this Order—
- “the Act” means the Immigration and Asylum Act 1999;
 - “immigration advice” and “immigration services” have the same meanings as in section 82 of the Immigration and Asylum Act 1999; and
 - “students’ union” means—
 - (a) in England, Wales and Scotland, a students’ union within the meaning of Part II of the Education Act 1994(b), and
 - (b) in Northern Ireland, a body listed in Schedule 1 to this Order.

Exemption of educational institutions

3. Section 84(1) of the Act (provision of immigration services) shall not apply to an educational institution described in Schedule 2 to this Order, or to a person employed by or on behalf of such an institution when acting as such, or to a students’ union promoting the general interests of its members as students at such an institution or representing the generality of students at such an institution, or to a person employed by or on behalf of such a students’ union when acting as such.

(a) 1999 c. 33.
(b) 1994 c. 30.

Exemption of health sector bodies

4. Section 84(1) of the Act (provision of immigration services) shall not apply to a health sector body described in Schedule 3 to this Order, or to a person employed by or on behalf of such a body when acting as such.

Home Office
5th April 2001

Barbara Roche
Minister of State

SCHEDULE 1

Article 2

STUDENTS' UNIONS IN NORTHERN IRELAND

The Students' Union of The Queen's University of Belfast
University of Ulster Students' Union
St. Mary's University College Students' Union
Stranmillis University College Students' Representative Council
Belfast Institute of Further and Higher Education Students' Union
Castlereagh College of Further and Higher Education Students' Union
Causeway Institute of Further and Higher Education Students' Union
East Antrim Institute of Further and Higher Education Students' Union
East Down Institute of Further and Higher Education Students' Union
East Tyrone College of Further and Higher Education Students' Union
Fermanagh College of Further and Higher Education Students' Union
Limavady College of Further and Higher Education Students' Union
Lisburn Institute of Further and Higher Education Students' Union
Newry and Kilkeel Institute of Further and Higher Education Students' Union
North Down and Ards Institute of Further and Higher Education Students' Union
North-East Institute of Further and Higher Education Students' Union
North-West Institute of Further and Higher Education Students' Union
Northern Ireland Hotel and Catering College Students' Union
Omagh College of Further Education Students' Union

SCHEDULE 2

Article 3

EDUCATIONAL INSTITUTIONS

1. In England and Wales:
 - (a) a recognised body within the meaning of section 216(4) of the Education Reform Act 1988(a), including any body designated by order under section 216(1) of that Act;
 - (b) a body listed in an order under section 216(2) of that Act;
 - (c) a further education corporation within the meaning of section 17(1) of the Further and Higher Education Act 1992(b); and
 - (d) an independent school within the meaning of section 463 of the Education Act 1996(c) which has been finally registered in accordance with section 465 of that Act.
2. In Scotland:
 - (a) a recognised body within the meaning of section 216(4) of the Education Reform Act 1988, including any body designated by order under section 216(1) of that Act;
 - (b) a body listed in an order made under section 216(2) of that Act;
 - (c) a college of further education having a board of management within the meaning of section 36 of the Further and Higher Education (Scotland) Act 1992(d); and
 - (d) an independent school within the meaning of section 135(1) of the Education (Scotland) Act 1980(e) which has been provisionally registered under section 98 of that Act and which has been given notice that the registration is final in accordance with the relevant provisions of that Act.

(a) 1988 c. 40.
(b) 1992 c. 13.
(c) 1996 c. 56.
(d) 1992 c. 37.
(e) 1980 c. 44.

3. In Northern Ireland:

- (a) a recognised body within the meaning of Article 5 of the Education (Unrecognised Degrees) (Northern Ireland) Order 1988 (a), and a body designated by order under Article 5(2) of that Order;
- (b) an institution of further education within the meaning of Article 2(2) of the Further Education (Northern Ireland) Order 1997(b);
- (c) St. Mary's University College, A College of The Queen's University of Belfast;
- (d) Stranmillis University College, A College of The Queen's University of Belfast; and
- (e) an independent school within the meaning of Article 2 of the Education and Libraries (Northern Ireland) Order 1986(c) and which has been finally registered in accordance with Article 38 of that Order.

SCHEDULE 3

Article 4

HEALTH SECTOR BODIES

1. In England and Wales:

- (a) a Health Authority established by order under section 8 of the National Health Service Act 1977(d);
- (b) a National Health Service Trust established by order under section 5 of the National Health Service and Community Care Act 1990(e);
- (c) a Primary Care Trust established under section 16A of the National Health Service Act 1977;
- (d) a Special Health Authority established by order under section 11 of the National Health Service Act 1977; and
- (e) the Public Health Laboratory Service Board continued in being by section 5(4) and (5) of, and Schedule 3 to, the National Health Service Act 1977.

2. In Scotland:

- (a) a Health Board or a Special Health Board established under section 2 of the National Health Service (Scotland) Act 1978(f), to include the State Hospitals Board for Scotland and the Scottish Council for Postgraduate Medical and Dental Education;
- (b) a National Health Service Trust established by order under section 12A(1) of the National Health Service (Scotland) Act 1978; and
- (c) the Common Services Agency for the Scottish Health Service constituted under section 10 of the National Health Service (Scotland) Act 1978.

3. In Northern Ireland:

- (a) a Health and Social Services Board established by order under Article 16 of the Health and Social Services (Northern Ireland) Order 1972(g);
- (b) a Health and Social Services Trust established by order under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(h);
- (c) the Northern Ireland Central Services Agency for the Health and Social Services established under Article 26 of the Health and Personal Social Services (Northern Ireland) Order 1972;
- (d) Special health and social services agencies established by order under Article 3 of the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990(i); and
- (e) the Public Health Laboratory Service established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1972.

(a) S.I. 1988/1989 (N.I. 22).
(b) S.I. 1997/1772 (N.I. 15).
(c) S.I. 1986/594 (N.I. 3).
(d) 1977 c. 49.
(e) 1990 c. 19.
(f) 1978 c. 29.
(g) S.I. 1972/1265 (N.I. 14).
(h) S.I. 1991/194 (N.I. 1).
(i) S.I. 1990/247 (N.I. 3).

EXPLANATORY NOTE

(This note is not part of the Order)

Section 84(4)(d) of the Immigration and Asylum Act 1999 provides for the making of orders specifying categories of person to whom the general prohibition on the provision of immigration advice or services under section 84(1) is not to apply.

Article 3 of this Order exempts educational institutions (as described in Schedule 1) and their respective students' unions, as defined in article 2. Article 4 exempts health sector bodies (as described in Schedule 3). Persons employed by or on behalf of any of the categories described are also exempted.

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