
Changes to legislation: Immigration Act 2014, Cross Heading: Power of entry and inspection is up to date with all changes known to be in force on or before 01 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 7

IMMIGRATION ADVISERS AND IMMIGRATION SERVICE PROVIDERS

Power of entry and inspection

- 8 (1) Omit paragraph 7 of Schedule 5 (and the cross-heading before it).
(2) After paragraph 10 of that Schedule insert—

“Power of entry and inspection

- 10A (1) On an application made by the Commissioner a justice of the peace (or in Scotland, the sheriff) may issue a warrant authorising the Commissioner to enter premises.
- (2) A justice of the peace or sheriff may issue a warrant in respect of premises if satisfied that there are reasonable grounds for believing that—
- (a) the premises are being used, or have been used, in connection with the provision of immigration advice or immigration services by a registered person,
 - (b) entry to the premises is reasonably required for the exercise of any of the Commissioner's functions, and
 - (c) entry to the premises may be prevented or delayed unless a warrant is produced.
- (3) The Commissioner may enter premises by virtue of this paragraph only at a reasonable hour.
- (4) Where the Commissioner enters premises by virtue of this paragraph the Commissioner may—
- (a) take onto the premises any equipment that appears to the Commissioner to be necessary;
 - (b) require any person on the premises to produce any relevant document and, if the document is produced, to provide any explanation of it;
 - (c) require any person on the premises to state, to the best of the person's knowledge and belief, where any relevant document is to be found;
 - (d) take copies of, or extracts from, any relevant document on the premises which is produced;
 - (e) require any relevant information which is held in a computer and is accessible from the premises to be produced in a form—
 - (i) in which it can be taken away; and

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(ii) in which it is visible and legible.

- (5) For the purposes of sub-paragraph (4), a document or information is “relevant” if the document or information relates to any matter connected with the provision of immigration advice or immigration services.
- (6) The powers conferred on the Commissioner by sub-paragraphs (1) to (5) may also be exercised by—
- (a) a member of the Commissioner's staff authorised by the Commissioner in writing, and
 - (b) if the Commissioner so determines, a person appointed by the Commissioner to make a report on the provision of immigration advice or immigration services from the premises in question.
- (7) If a registered person fails without reasonable excuse to allow access under this paragraph to any premises under the person's occupation or control, the Commissioner may cancel the person's registration.
- (8) The Commissioner may also cancel the registration of a registered person who—
- (a) without reasonable excuse fails to comply with a requirement imposed under sub-paragraph (4);
 - (b) intentionally delays or obstructs any person exercising functions under this paragraph; or
 - (c) fails to take reasonable steps to prevent an employee of the registered person from obstructing any person exercising such functions.
- (9) In this paragraph “premises” includes premises used wholly or partly as a dwelling.”

Commencement Information

II Sch. 7 para. 8 in force at 17.11.2014 by S.I. 2014/2771, art. 5(c)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2014/2771 by [S.I. 2015/371 art. 78](#)
- specified provision(s) savings for earlier commencing SI 2014/2771 by [S.I. 2014/2928 art. 2](#) (Amendment already reflected in Appended Commentary in EXTOES for 2014 SI2771.)

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. 21(4A) inserted by [S.I. 2019/745 reg. 21\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 27(7) inserted by [S.I. 2019/745 reg. 21\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 70A(6A) inserted by [S.I. 2019/745 reg. 21\(7\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(7) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- Sch. 3 para. 8A inserted by [2016 c. 19 Sch. 12 para. 16](#)