

*These notes refer to the Immigration and Asylum Act 1999
(c.33) which received Royal Assent on 11 November 1999*

IMMIGRATION AND ASYLUM ACT 1999

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 14: Consequential amendments

Section 22: Restrictions on employment: code of practice

85. This section is designed to re-emphasise to employers their duty to avoid racial discrimination in their recruitment practices when seeking to establish the statutory defence under section 8 of the Asylum and Immigration Act 1996. It introduces into the 1996 Act a new section 8A which places the Secretary of State under a duty to issue a code of practice aimed at ensuring that employers do not breach the provisions of the Race Relations Act 1976 by making more checks on potential employees than section 8 requires or by targetting checks on racial grounds. Following consultation, the draft code must be laid before Parliament and may be brought into operation by statutory instrument subject to the negative resolution procedure.
86. Subsections (3) and (4) of the new section provide for consultation with those having statutory responsibility for, or specific interest in, guarding against racial discrimination in employment practice.