



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART V

IMMIGRATION ADVISERS AND IMMIGRATION SERVICE PROVIDERS

Enforcement

91 Offences

- (1) A person who provides immigration advice or immigration services in contravention of section 84 or of a restraining order is guilty of an offence and liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.
- (2) “Restraining order” means—
 - (a) a direction given by the Tribunal under section 89(8) or paragraph 9(3) of Schedule 5; or
 - (b) an order made by a disciplinary body under section 90(1).
- (3) If an offence under this section committed by a body corporate is proved—
 - (a) to have been committed with the consent or connivance of an officer, or
 - (b) to be attributable to neglect on his part,the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
- (4) “Officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body, or a person purporting to act in such a capacity.
- (5) If the affairs of a body corporate are managed by its members, subsection (3) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Status: This is the original version (as it was originally enacted).

- (6) If an offence under this section committed by a partnership in Scotland is proved—
- (a) to have been committed with the consent or connivance of a partner, or
 - (b) to be attributable to neglect on his part,
- the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.
- (7) “Partner” includes a person purporting to act as a partner.

92 Enforcement

- (1) If it appears to the Commissioner that a person—
- (a) is providing immigration advice or immigration services in contravention of section 84 or of a restraining order, and
 - (b) is likely to continue to do so unless restrained,
- the Commissioner may apply to a county court for an injunction, or to the sheriff for an interdict, restraining him from doing so.
- (2) If the court is satisfied that the application is well-founded, it may grant the injunction or interdict in the terms applied for or in more limited terms.
- (3) “Restraining order” has the meaning given by section 91.