Changes to legislation: *Immigration and Asylum Act 1999, Paragraph 4 is up to date with all changes known to be in force on or before 14 September 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 5

THE IMMIGRATION SERVICES COMMISSIONER

PART I

REGULATORY FUNCTIONS

Extension of scope of the Code

4 (1) The Secretary of State may by order provide for the provisions of the Code, or such provisions of the Code as may be specified by the order, to apply to—

(a) persons authorised by any designated professional body to practise as a member of the profession whose members are regulated by that body; and

[[F1](b) persons acting on behalf of persons who are within paragraph (a).**]**

(2) If the Secretary of State is proposing to act under sub-paragraph (1) he must, before doing so, consult—

(a) the Commissioner;

[F2](b) . . . . . .

(c) the **[**[F3]Scottish Legal Complaints Commission**]**, if the proposed order would affect a designated professional body in Scotland;

(d) the lay observers appointed under Article 42 of the [M1]Solicitors (Northern Ireland) Order 1976, if the proposed order would affect a designated professional body in Northern Ireland.

(3) An order under sub-paragraph (1) requires the approval of—

(a) the **[**[F4]Department of Justice in Northern Ireland**]** , if it affects a designated professional body in [F5]... Northern Ireland;

(b) the Scottish Ministers, if it affects a designated professional body in Scotland.

[[F6](4) Before deciding whether or not to give its approval under sub-paragraph (3)(a), the Department of Justice in Northern Ireland must consult the Lord Chief Justice of Northern Ireland.**]**

(5) Before deciding whether or not to give their approval under sub-paragraph (3)(b), the Scottish Ministers must consult the Lord President of the Court of Session.

Textual Amendments

F1 Sch. 5 para. 4(1)(b) substituted (1.10.2004) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), **ss. 37(5)(d)**, 48(3); S.I. 2004/2523, art. 2, Sch.

Changes to legislation: *Immigration and Asylum Act 1999, Paragraph 4 is up to date with all changes known to be in force on or before 14 September 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*

F2 Sch. 5 para. 4(2)(b) repealed (1.1.2010) by Legal Services Act 2007 (c. 29), s. 211(2), Sch. 18 para. 17(3)(a), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(i)(xi)

F3 Words in Sch. 5 para. 4(2)(c) substituted (1.10.2008) by Legal Services Act 2007 (c. 29), **ss. 196(2)(b)**, 211(2) (with ss. 29, 192, 193); S.I. 2008/1436, art. 3(a)

F4 Words in Sch. 5 para. 4(3)(a) substituted (18.10.2012) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2012 (S.I. 2012/2595), arts. 1(2), **9(5)(a)** (with arts. 24-28)

F5 Words in Sch. 5 para. 4(3)(a) repealed (1.1.2010) by Legal Services Act 2007 (c. 29), s. 211(2), Sch. 18 para. 17(3)(b), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(i)(xi)

F6 Sch. 5 para. 4(4) substituted (18.10.2012) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2012 (S.I. 2012/2595), arts. 1(2), **9(5)(b)** (with arts. 24-28)

Marginal Citations

M1 S.I. 1976/582 (N.I. 12).

Changes to legislation:
Immigration and Asylum Act 1999, Paragraph 4 is up to date with all changes known to be in force on or before 14 September 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.
View outstanding changes

Changes and effects yet to be applied to :

- Sch. 5 para. 4(2)(d) words substituted by 2016 c. 14 (N.I.) Sch. 4 para. 6

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. 10(12) inserted by 2023 c. 37 s. 10(6)
- s. 40(1)-(1C) substituted for s. 40(1) by 2022 c. 36 s. 76(2)
- s. 40(4A)(4B) inserted by 2022 c. 36 s. 76(5)
- s. 72(10) repealed by 2004 c. 19 Sch. 4
- s. 94(2A)-(2C) inserted by 2016 c. 19 Sch. 11 para. 3(3)
- s. 94(2D) inserted by 2016 c. 19 Sch. 11 para. 7(4)
- s. 94(3)(3A) substituted for s. 94(3) by 2002 c. 41 s. 44(4) (This amendment is repealed (prosp.) by 2016 c. 19, Sch. 11 para. 41)
- s. 94(3A)-(3D) inserted by 2016 c. 19 Sch. 11 para. 3(5)
- s. 95A inserted by 2016 c. 19 Sch. 11 para. 9
- s. 96(1A) inserted by 2016 c. 19 Sch. 11 para. 10(3)
- s. 97(3A)(b)(iv) inserted by 2022 c. 36 s. 13(2)(c)(ii)
- s. 97(8)(9) inserted by 2016 c. 19 Sch. 11 para. 11(4)
- s. 98A inserted by 2016 c. 19 Sch. 11 para. 13
- s. 98A(5) inserted by 2022 c. 36 s. 13(4)
- s. 103(4)(a) words substituted by 2004 c. 19 s. 10(4)(b)
- s. 103(5)(b) word substituted by S.I. 2008/2833 Sch. 3 para. 183(ii)
- s. 103A(1) words substituted by 2004 c. 19 s. 10(5)
- s. 103A(1) heading words substituted by 2004 c. 19 s. 10(5)
- s. 103A(1) words substituted by S.I. 2008/2833 Sch. 3 para. 184
- s. 125(2)(ba) inserted by 2016 c. 19 Sch. 11 para. 22(3)(b)
- s. 146(2)(za) inserted by 2016 c. 19 s. 44(9)
- s. 166(5)(ca) substituted for word in s. 166(5)(c) by 2016 c. 19 Sch. 11 para. 24(2)
- s. 166(5A)(5B) inserted by 2016 c. 19 Sch. 11 para. 24(3)
- s. 166(6)(aa) substituted for word in s. 166(6)(a) by 2016 c. 19 Sch. 11 para. 24(4)
- Sch. 2 para. 21 modified by 2002 c. 41 s. 23(2)(a)
- Sch. 3 para. 2(5) modified by 2002 c. 41 s. 23(2)(b)