

**Changes to legislation:** Immigration and Asylum Act 1999, SCHEDULE 6 is up to date with all changes known to be in force on or before 11 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 6

Section 85(3).

#### REGISTRATION

##### *Applications for registration*

- 1 (1) An application for registration under section 84(2)(a) <sup>F1</sup> ... must—
  - (a) be made to the Commissioner in such form and manner, and
  - (b) be accompanied by such information and supporting evidence, as the Commissioner may from time to time determine.
- (2) When considering an application for registration, the Commissioner may require the applicant to provide him with such further information or supporting evidence as the Commissioner may reasonably require.

#### **Textual Amendments**

- F1** Words in Sch. 6 para. 1(1) repealed (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), ss. 37(6)(a), 48(3), [Sch. 4](#); S.I. 2004/2523, art. 2, Sch.

##### *Registration*

- 2 (1) If the Commissioner considers that an applicant for registration is competent and otherwise fit to provide immigration advice and immigration services, he must register the applicant.
- (2) Registration may be made so as to have effect—
  - (a) only in relation to a specified field of advice or services;
  - (b) only in relation to the provision of advice or services to a specified category of person;
  - (c) only in relation to the provision of advice or services to a member of a specified category of person; or
  - (d) only in specified circumstances.

##### *Review of qualifications*

- 3 (1) At such intervals as the Commissioner may determine, each registered person must submit an application for his registration to be continued.
- (2) Different intervals may be fixed by the Commissioner in relation to different registered persons or descriptions of registered person.
- (3) An application for continued registration must—
  - (a) be made to the Commissioner in such form and manner, and
  - (b) be accompanied by such information and supporting evidence,

*Changes to legislation: Immigration and Asylum Act 1999, SCHEDULE 6 is up to date with all changes known to be in force on or before 11 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*

as the Commissioner may from time to time determine.

- (4) When considering an application for continued registration, the Commissioner may require the applicant to provide him with such further information or supporting evidence as the Commissioner may reasonably require.

<sup>F2</sup>(5) .....

- (6) [<sup>F3</sup>Unless the Commissioner is required by paragraph 4A to cancel the applicant's registration] the Commissioner must continue the applicant's registration but may, in doing so, vary the registration—

- (a) so as to make it have limited effect in any of the ways mentioned in paragraph 2(2); or  
(b) so as to make it have full effect.

- (7) If a registered person fails, without reasonable excuse—

- (a) to make an application for continued registration as required by sub-paragraph (1) <sup>F4</sup>..., or  
(b) to provide further information or evidence under sub-paragraph (4),  
the Commissioner may cancel the person's registration as from such date as he may determine.

#### Textual Amendments

- F2** Sch. 6 para. 3(5) omitted (17.11.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 7 para. 4\(3\)\(a\)](#); [S.I. 2014/2771](#), art. 5(c)  
**F3** Words in Sch. 6 para. 3(6) substituted (17.11.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 7 para. 4\(3\)\(b\)](#); [S.I. 2014/2771](#), art. 5(c)  
**F4** Words in Sch. 6 para. 3(7)(a) omitted (17.11.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 7 para. 4\(3\)\(c\)](#); [S.I. 2014/2771](#), art. 5(c)

#### <sup>F5</sup>Variation of registration

#### Textual Amendments

- F5** Sch. 6 para. 3A and heading inserted (8.1.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), s. 140(2) (with s. 159); [S.I. 2002/2811](#), art. 2, Sch. (with art. 5)

- 3A The Commissioner may vary a person's registration—  
(a) so as to make it have limited effect in any of the ways mentioned in paragraph 2(2); or  
(b) so as to make it have full effect.]

#### Disqualification of certain persons

- 4 A person convicted of an offence under section 25 or 26(1)(d) or (g) of the 1971 Act is disqualified for registration under paragraph 2 or for continued registration under paragraph 3.

**Changes to legislation:** Immigration and Asylum Act 1999, SCHEDULE 6 is up to date with all changes known to be in force on or before 11 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

*[<sup>F6</sup>Further provision for the cancellation of registration*

**Textual Amendments**

**F6** Sch. 6 para. 4A and cross-heading inserted (17.11.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 7 para. 4\(4\)](#); S.I. 2014/2771, art. 5(c)

- 4A The Commissioner must cancel a person's registration if—
- (a) the person asks for it to be cancelled;
  - (b) the person dies (in a case where the person is an individual) or is dissolved or wound up (in any other case);
  - (c) the person is convicted of an offence under section 25 or 26(1)(d) or (g) of the 1971 Act;
  - (d) under section 89(2A)(b) the First-tier Tribunal directs the Commissioner to cancel the person's registration; or
  - (e) the Commissioner considers that the person is no longer competent or is otherwise unfit to provide immigration advice or immigration services.]

*[<sup>F7</sup>Suspension of registration*

**Textual Amendments**

**F7** Sch. 6 para. 4B and cross-heading inserted (17.11.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 7 para. 5\(3\)](#); S.I. 2014/2771, art. 5(c)

- 4B (1) The First-tier Tribunal may, on an application made to it by the Commissioner, suspend a person's registration if the person is for the time being charged with—
- (a) an offence involving dishonesty or deception;
  - (b) an indictable offence; or
  - (c) an offence under section 25 or 26(1)(d) or (g) of the 1971 Act.
- (2) The suspension of the person's registration ceases to have effect if one of these occurs—
- (a) the person is acquitted of the offence;
  - (b) the charge is withdrawn;
  - (c) proceedings in respect of the charge are discontinued;
  - (d) an order is made for the charge to lie on the file, or in relation to Scotland, the diet is deserted *pro loco et tempore*.
- (3) If the person is convicted of an offence under section 25 or 26(1)(d) or (g) of the 1971 Act, the suspension of the person's registration continues to have effect until the Commissioner cancels the person's registration (as required by paragraph 4A(c)).
- (4) If the person is convicted of any other offence within sub-paragraph (1)—
- (a) the Commissioner must as soon as reasonably practicable consider whether the person is no longer competent or is otherwise unfit to provide immigration advice or immigration services (so that the person's registration must be cancelled under paragraph 4A(e));
  - (b) the suspension of the person's registration continues to have effect until the Commissioner either cancels the person's registration, or decides that the

*Changes to legislation: Immigration and Asylum Act 1999, SCHEDULE 6 is up to date with all changes known to be in force on or before 11 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*

person is competent and otherwise fit to provide immigration advice and immigration services.

- (5) A person whose registration is suspended is not to be treated as a registered person for the purposes of section 84 (but is to be treated as a registered person for the purposes of the other provisions of this Part).
- (6) Where a person's registration is suspended the Commissioner must as soon as reasonably practicable record the suspension in the register.
- (7) Where a suspension ceases to have effect (and the person's registration is not cancelled) the Commissioner must as soon as reasonably practicable remove the record of the suspension from the register.]

#### *Fees*

- 5 (1) The Secretary of State may by order—
  - [<sup>F8</sup>(a)] specify fees for the registration or continued registration of persons on the register.
  - [<sup>F9</sup>(b)] make provision for, and in connection with, requiring or authorising the Commissioner to waive all or part of the specified fee in particular cases.]
- (2) No application under paragraph 1 or 3 is to be entertained by the Commissioner unless it is accompanied by the specified fee [<sup>F10</sup>(but this is subject to any waiver in accordance with provision under sub-paragraph (1)(b))].

#### **Textual Amendments**

- F8** Word in Sch. 6 para. 5(1) inserted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 7 para. 3\(2\)\(a\)](#); [S.I. 2014/2771](#), art. 4(f)
- F9** Sch. 6 para. 5(1)(b) inserted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 7 para. 3\(2\)\(b\)](#); [S.I. 2014/2771](#), art. 4(f)
- F10** Words in Sch. 6 para. 5(2) inserted (20.10.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 7 para. 3\(3\)](#); [S.I. 2014/2771](#), art. 4(f)

#### **Commencement Information**

- II** Sch. 6 para. 5 wholly in force at 30.10.2000; Sch. 6 para. 5 not in force at Royal Assent; Sch. 6 para. 5(1) in force for certain purposes at 1.8.2000 by [S.I. 2000/1985](#), art. 2, [Sch.](#); Sch. 6 para. 5 in force so far as not already in force 30.10.2000 by [S.I. 2000/1985](#), art. 2, [Sch.](#)

#### *Open registers*

- 6 (1) The register must be made available for inspection by members of the public in a legible form at reasonable hours.
- (2) A copy of the register or of any entry in the register must be provided—
  - (a) on payment of a reasonable fee;
  - (b) in written or electronic form; and
  - (c) in a legible form.
- (3) Sub-paragraphs (1) and (2) also apply to—
  - <sup>F11</sup>(a) .....

---

**Changes to legislation:** Immigration and Asylum Act 1999, SCHEDULE 6 is up to date with all changes known to be in force on or before 11 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](#)

---

- (b) the record kept by the Commissioner of the persons against whom there is in force a direction given by the [<sup>F12</sup>First-tier Tribunal] under section 89(8).

---

**Textual Amendments**

- F11** Sch. 6 para. 6(3)(a) omitted (17.11.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 7 para. 2\(2\)\(g\)](#); [S.I. 2014/2771](#), art. 5(c)
- F12** Words in Sch. 6 para. 6(3)(b) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 2 para. 41](#) (with Sch. 5)

**Changes to legislation:**

Immigration and Asylum Act 1999, SCHEDULE 6 is up to date with all changes known to be in force on or before 11 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.

[View outstanding changes](#)

**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)