



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART V

IMMIGRATION ADVISERS AND IMMIGRATION SERVICE PROVIDERS

The general prohibition

86 Designated professional bodies.

- (1) “Designated professional body” means—
- ^{F1}(a)
 - (b) The Law Society of Scotland;
 - (c) The Law Society of Northern Ireland;
 - ^{F1}(d)
 - ^{F1}(e)
 - (f) The Faculty of Advocates; or
 - (g) The General Council of the Bar of Northern Ireland.
- [^{F2}(2) The Secretary of State may by order remove a body from the list in subsection (1) if he considers that the body—
- (a) has failed to provide effective regulation of its members in their provision of immigration advice or immigration services, or
 - (b) has failed to comply with a request of the Commissioner for the provision of information (whether general or in relation to a particular case or matter).]

(3) If a designated professional body asks the Secretary of State to amend subsection (1) so as to remove its name, the Secretary of State may by order do so.

(4) If the Secretary of State is proposing to act under subsection (2) he must, before doing so—

 - (a) consult the Commissioner;
 - ^{F3}(b)

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- (c) consult the [^{F4}Scottish Legal Complaints Commission], if the proposed order would affect a designated professional body in Scotland;
 - (d) consult 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;
 - (e) notify the body concerned of his proposal and give it a reasonable period within which to make representations; and
 - (f) consider any representations so made.
- (5) An order under subsection (2) requires the approval of—
- (a) the [^{F5}Department of Justice in Northern Ireland] , if it affects a designated professional body in ^{F6}... Northern Ireland;
 - (b) the Scottish Ministers, if it affects a designated professional body in Scotland.
- [^{F7}(6) Before deciding whether or not to give its approval under subsection (5)(a), the Department of Justice in Northern Ireland must consult the Lord Chief Justice of Northern Ireland.]
- (7) Before deciding whether or not to give their approval under subsection (5)(b), the Scottish Ministers must consult the Lord President of the Court of Session.
- (8) If the Secretary of State considers that a body [^{F8}(other than a body in England and Wales)] which—
- (a) is concerned (whether wholly or in part) with regulating the legal profession, or a branch of it, in [^{F9}Scotland or Northern Ireland],
 - (b) is not a designated professional body, and
 - (c) is capable of providing effective regulation of its members in their provision of immigration advice or immigration services,
- ought to be designated, he may by order amend subsection (1) to include the name of that body.
- (9) The Commissioner must—
- (a) keep under review the list of designated professional bodies set out in subsection (1); and
 - [^{F10}(b) report to the Secretary of State if the Commissioner considers that a designated professional body—
 - (i) is failing to provide effective regulation of its members in their provision of immigration advice or immigration services, or
 - (ii) has failed to comply with a request of the Commissioner for the provision of information (whether general or in relation to a particular case or matter).]
- [^{F11}(9A) A designated professional body shall comply with a request of the Commissioner for the provision of information (whether general or in relation to a specified case or matter).]
- (10) For the purpose of meeting the costs incurred by the Commissioner in discharging his functions under this Part, each designated professional body must pay to the Commissioner, in each year and on such date as may be specified, such fee as may be specified.
- (11) Any unpaid fee for which a designated professional body is liable under subsection (10) may be recovered from that body as a debt due to the Commissioner.

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(12) “Specified” means specified by an order made by the Secretary of State.

Textual Amendments

- F1** S. 86(1)(a)(d)(e) repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), s. 211(2), Sch. 18 para. 13(2), [Sch. 23](#) (with [ss. 29, 192, 193](#)); S.I. 2009/3250, art. 2(i)(xi)
- F2** S. 86(2) substituted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), [ss. 41\(2\)](#), 48(3); S.I. 2004/2523, art. 2, Sch.
- F3** S. 86(4)(b) repealed (31.12.2011) by [Legal Services Act 2007 \(c. 29\)](#), s. 211(2), Sch. 18 para. 13(2), [Sch. 23](#) (with [ss. 29, 192, 193](#)); S.I. 2010/2089, art. 4(b)(vi)
- F4** Words in s. 86(4)(c) substituted (1.10.2008) by [Legal Services Act 2007 \(c. 29\)](#), [ss. 196\(2\)\(a\)](#), 211(2) (with [ss. 29, 192, 193](#)); S.I. 2008/1436, art. 3(a)
- F5** Words in s. 86(5)(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\(4\)\(a\)](#) (with arts. 24-28)
- F6** Words in s. 86(5)(a) repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), s. 211(2), Sch. 18 para. 13(3), [Sch. 23](#) (with [ss. 29, 192, 193](#)); S.I. 2009/3250, art. 2(i)(xi)
- F7** S. 86(6) 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\(4\)\(b\)](#) (with arts. 24-28)
- F8** Words in s. 86(8) inserted (1.4.2011) by [Legal Services Act 2007 \(c. 29\)](#), s. 211(2), [Sch. 18 para. 13\(5\)](#) (with [ss. 29, 192, 193](#)); S.I. 2011/720, art. 2(c)
- F9** Words in s. 86(8)(a) substituted (31.12.2020) by [The Immigration, Nationality and Asylum \(EU Exit\) Regulations 2019 \(S.I. 2019/745\)](#), regs. 1(2), [11\(7\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F10** S. 86(9)(b) substituted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), [ss. 41\(3\)](#), 48(3); S.I. 2004/2523, art. 2, Sch.
- F11** S. 86(9A) inserted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), [ss. 41\(4\)](#), 48(3); S.I. 2004/2523, art. 2, Sch.

Commencement Information

- I1** S. 86 wholly in force at 30.4.2001; s. 86 not in force at Royal Assent see s. 170(4); s. 86(1)-(9) in force at 22.5.2000 by S.I. 2000/1282, art. 2, [Sch.](#); s. 86(10)-(12) in force for certain purposes at 30.10.2000 by S.I. 2000/1985, art. 2, [Sch.](#) (with transitional provisions in art. 3); S. 86 in force so far as not already in force at 30.4.2001 by S.I. 2001/1394, art. 2, [Sch.](#)

Marginal Citations

- M1** [S.I. 1976/582 \(N.I. 12\)](#).

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 86(4)(d) words substituted by 2016 c. 14 (N.I.) Sch. 4 para. 5

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)