



# 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—
  - (a) The Law Society;
  - (b) The Law Society of Scotland;
  - (c) The Law Society of Northern Ireland;
  - (d) The Institute of Legal Executives;
  - (e) The General Council of the Bar;
  - (f) The Faculty of Advocates; or
  - (g) The General Council of the Bar of Northern Ireland.
- (2) If the Secretary of State considers that a designated professional body has consistently failed to provide effective regulation of its members in their provision of immigration advice or immigration services, he may by order amend subsection (1) to remove the name of that body.
- (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;
  - (b) consult the Legal Services Ombudsman, if the proposed order would affect a designated professional body in England and Wales;
  - (c) consult the Scottish Legal Services Ombudsman, if the proposed order would affect a designated professional body in Scotland;

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*Status: This is the original version (as it was originally enacted).*

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- (d) consult the lay observers appointed under Article 42 of the 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 Lord Chancellor, if it affects a designated professional body in England and Wales or Northern Ireland;
  - (b) the Scottish Ministers, if it affects a designated professional body in Scotland.
- (6) Before deciding whether or not to give his approval under subsection (5)(a), the Lord Chancellor must consult—
  - (a) the designated judges, if the order affects a designated professional body in England and Wales;
  - (b) the Lord Chief Justice of Northern Ireland, if it affects a designated professional body in 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 which—
  - (a) is concerned (whether wholly or in part) with regulating the legal profession, or a branch of it, in an EEA State,
  - (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
  - (b) report to the Secretary of State if he considers that a designated professional body is failing to provide effective regulation of its members in their provision of immigration advice or immigration services.
- (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.
- (12) “Specified” means specified by an order made by the Secretary of State.