

SCHEDULES

SCHEDULE 7

IMMIGRATION ADVISERS AND IMMIGRATION SERVICE PROVIDERS

Suspension of registration

- 5 (1) In section 84(3) (limitations on effect of registration)—
- (a) after “subject to” insert “(a)”;
 - (b) at the end insert—
 - “(b) paragraph 4B(5) of that Schedule (effect of suspension of registration).”
- (2) In section 87(4) (further functions of First-tier Tribunal)—
- (a) for “a further function” substitute “further functions”;
 - (b) at the end insert “and paragraph 4B of Schedule 6 (suspension of registration by First-tier Tribunal)”.
- (3) After paragraph 4A of Schedule 6 (inserted by paragraph 4(4) of this Schedule) insert—

“Suspension of registration

- 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 - (b) the charge is withdrawn;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)—

Status: This is the original version (as it was originally enacted).

- (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 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."