

SCHEDULES

SCHEDULE 7

IMMIGRATION ADVISERS AND IMMIGRATION SERVICE PROVIDERS

Power of entry and inspection

- 8 (1) Omit paragraph 7 of Schedule 5 (and the cross-heading before it).
(2) After paragraph 10 of that Schedule insert—

“Power of entry and inspection

- 10A (1) On an application made by the Commissioner a justice of the peace (or in Scotland, the sheriff) may issue a warrant authorising the Commissioner to enter premises.
- (2) A justice of the peace or sheriff may issue a warrant in respect of premises if satisfied that there are reasonable grounds for believing that—
- (a) the premises are being used, or have been used, in connection with the provision of immigration advice or immigration services by a registered person,
 - (b) entry to the premises is reasonably required for the exercise of any of the Commissioner’s functions, and
 - (c) entry to the premises may be prevented or delayed unless a warrant is produced.
- (3) The Commissioner may enter premises by virtue of this paragraph only at a reasonable hour.
- (4) Where the Commissioner enters premises by virtue of this paragraph the Commissioner may—
- (a) take onto the premises any equipment that appears to the Commissioner to be necessary;
 - (b) require any person on the premises to produce any relevant document and, if the document is produced, to provide any explanation of it;
 - (c) require any person on the premises to state, to the best of the person’s knowledge and belief, where any relevant document is to be found;
 - (d) take copies of, or extracts from, any relevant document on the premises which is produced;
 - (e) require any relevant information which is held in a computer and is accessible from the premises to be produced in a form—
 - (i) in which it can be taken away; and

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- (ii) in which it is visible and legible.
- (5) For the purposes of sub-paragraph (4), a document or information is “relevant” if the document or information relates to any matter connected with the provision of immigration advice or immigration services.
- (6) The powers conferred on the Commissioner by sub-paragraphs (1) to (5) may also be exercised by—
- (a) a member of the Commissioner’s staff authorised by the Commissioner in writing, and
 - (b) if the Commissioner so determines, a person appointed by the Commissioner to make a report on the provision of immigration advice or immigration services from the premises in question.
- (7) If a registered person fails without reasonable excuse to allow access under this paragraph to any premises under the person’s occupation or control, the Commissioner may cancel the person’s registration.
- (8) The Commissioner may also cancel the registration of a registered person who—
- (a) without reasonable excuse fails to comply with a requirement imposed under sub-paragraph (4);
 - (b) intentionally delays or obstructs any person exercising functions under this paragraph; or
 - (c) fails to take reasonable steps to prevent an employee of the registered person from obstructing any person exercising such functions.
- (9) In this paragraph “premises” includes premises used wholly or partly as a dwelling.”