
Changes to legislation: Immigration Act 2016, Paragraph 43 is up to date with all changes known to be in force on or before 20 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 5

PRIVATE HIRE VEHICLES ETC

Private Hire Vehicles (London) Act 1998 (c. 34)

43 After section 35 insert—

“35A Persons disqualified by reason of immigration status

- (1) For the purposes of this Act a person is disqualified by reason of the person's immigration status from carrying on a licensable activity if the person is subject to immigration control and—
 - (a) the person has not been granted leave to enter or remain in the United Kingdom; or
 - (b) the person's leave to enter or remain in the United Kingdom—
 - (i) is invalid;
 - (ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise); or
 - (iii) is subject to a condition preventing the person from carrying on the licensable activity.
- (2) Where a person is on immigration bail within the meaning of Part 1 of Schedule 10 to the Immigration Act 2016—
 - (a) the person is to be treated for the purposes of this Act as if the person had been granted leave to enter the United Kingdom; but
 - (b) any condition as to the person's work in the United Kingdom to which the person's immigration bail is subject is to be treated for those purposes as a condition of leave.
- (3) For the purposes of this section a person is subject to immigration control if under the Immigration Act 1971 the person requires leave to enter or remain in the United Kingdom.
- (4) For the purposes of this section a person carries on a licensable activity if the person—
 - (a) operates a private hire vehicle; or
 - (b) drives a private hire vehicle.

35B Immigration offences and immigration penalties

- (1) In this Act “immigration offence” means—
 - (a) an offence under any of the Immigration Acts;
 - (b) an offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence within paragraph (a); or

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- (c) an offence under section 1 of the Criminal Law Act 1977 of conspiracy to commit an offence within paragraph (a).
- (2) In this Act “immigration penalty” means a penalty under—
 - (a) section 15 of the Immigration, Asylum and Nationality Act 2006 (“the 2006 Act”), or
 - (b) section 23 of the Immigration Act 2014 (“the 2014 Act”).
- (3) For the purposes of this Act a person to whom a penalty notice under section 15 of the 2006 Act has been given is not to be treated as having been required to pay an immigration penalty if—
 - (a) the person is excused payment by virtue of section 15(3) of that Act; or
 - (b) the penalty is cancelled by virtue of section 16 or 17 of that Act.
- (4) For the purposes of this Act a person to whom a penalty notice under section 15 of the 2006 Act has been given is not to be treated as having been required to pay an immigration penalty until such time as—
 - (a) the period for giving a notice of objection under section 16 of that Act has expired and the Secretary of State has considered any notice given within that period; and
 - (b) if a notice of objection was given within that period, the period for appealing under section 17 of that Act has expired and any appeal brought within that period has been finally determined, abandoned or withdrawn.
- (5) For the purposes of this Act a person to whom a penalty notice under section 23 of the 2014 Act has been given is not to be treated as having been required to pay an immigration penalty if—
 - (a) the person is excused payment by virtue of section 24 of that Act; or
 - (b) the penalty is cancelled by virtue of section 29 or 30 of that Act.
- (6) For the purposes of this Act a person to whom a penalty notice under section 23 of the 2014 Act has been given is not to be treated as having been required to pay an immigration penalty until such time as—
 - (a) the period for giving a notice of objection under section 29 of that Act has expired and the Secretary of State has considered any notice given within that period; and
 - (b) if a notice of objection was given within that period, the period for appealing under section 30 of that Act has expired and any appeal brought within that period has been finally determined, abandoned or withdrawn.”

Commencement Information

II Sch. 5 para. 43 in force at 1.12.2016 by S.I. 2016/1037, reg. 5(i) (with reg. 6)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/1241, Sch. by [S.I. 2018/31 reg. 2](#)

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. 69(9)(d) and word inserted by [2023 c. 37 s. 21\(2\)\(b\)](#)
- Sch. 10 para. 3(2)(eza) inserted by [2023 c. 37 s. 13\(3\)\(a\)](#)
- Sch. 10 para. 3(3A)-(3C) inserted by [2023 c. 37 s. 13\(3\)\(b\)](#)
- Sch. 10 para. 3A and cross-heading inserted by [2023 c. 37 s. 13\(4\)](#)