

## SCHEDULES

### SCHEDULE 18

#### IMMIGRATION ADVICE AND IMMIGRATION SERVICES

##### PART 2

#### AMENDMENTS OF THE IMMIGRATION AND ASYLUM ACT 1999 (C. 33)

14 After section 86 insert—

##### “86A Designated qualifying regulators

- (1) “Designated qualifying regulator” means a body which is a qualifying regulator and is listed in subsection (2).
- (2) The listed bodies are—
  - (a) the Law Society;
  - (b) the Institute of Legal Executives;
  - (c) the General Council of the Bar.
- (3) The Secretary of State may by order remove a body from the list in subsection (2) if the Secretary of State considers that the body has failed to provide effective regulation of relevant authorised persons in their provision of immigration advice or immigration services.
- (4) If a designated qualifying regulator asks the Secretary of State to amend subsection (2) so as to remove its name, the Secretary of State may by order do so.
- (5) Where, at a time when a body is listed in subsection (2), the body ceases to be a qualifying regulator by virtue of paragraph 8(1)(a) of Schedule 18 to the Legal Services Act 2007 (loss of approved regulator status), the Secretary of State must, by order, remove it from the list.
- (6) If the Secretary of State considers that a body which—
  - (a) is a qualifying regulator,
  - (b) is not a designated qualifying regulator, and
  - (c) is capable of providing effective regulation of relevant authorised persons in their provision of immigration advice or immigration services,ought to be designated, the Secretary of State may, by order, amend the list in subsection (2) to include the name of that body.
- (7) If the Secretary of State is proposing to act under subsection (3) or (6), the Secretary of State must, before doing so, consult the Commissioner.

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*Status: This is the original version (as it was originally enacted).*

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- (8) If the Secretary of State is proposing to act under subsection (3), the Secretary of State must, before doing so, also —
- (a) notify the body concerned of the proposal and give it a reasonable period within which to make representations, and
  - (b) consider any representations duly made.
- (9) An order under subsection (3) or (6) requires the approval of the Lord Chancellor.
- (10) If the Legal Services Board considers that a designated qualifying regulator is failing to provide effective regulation of relevant authorised persons in their provision of immigration advice or immigration services, the Legal Services Board must make a report to this effect to—
- (a) the Secretary of State, and
  - (b) the Lord Chancellor.
- (11) In this section—
- “qualifying regulator” means a body which is a qualifying regulator for the purposes of this Part of this Act by virtue of Part 1 of Schedule 18 to the Legal Services Act 2007 (approved regulators approved by the Legal Services Board in relation to immigration matters);
- “relevant authorised persons”, in relation to a designated qualifying regulator, means persons who are authorised by the designated qualifying regulator to provide immigration advice or immigration services.”