
Changes to legislation: Immigration Act 2014, Paragraph 7 is up to date with all changes known to be in force on or before 02 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 7

IMMIGRATION ADVISERS AND IMMIGRATION SERVICE PROVIDERS

Complaints and investigations

- 7 (1) For section 89(2) (powers of Tribunal on hearing charge against registered person) substitute—
- “(2) Subsections (2A) and (2B) apply if the person charged was, at the time to which the charge relates, a registered person or a person acting on behalf of a registered person.
- (2A) If the registered person mentioned in subsection (2) is still registered, the First-tier Tribunal may direct the Commissioner—
- (a) to record the charge and the First-tier Tribunal's decision on it for consideration in connection with that person's next application for continued registration;
- (b) to cancel that person's registration.
- (2B) If the registered person mentioned in subsection (2) is no longer registered, the First-tier Tribunal may direct the Commissioner to record the charge and the First-tier Tribunal's decision on it for consideration in connection with any application by that person for registration.”
- (2) In paragraph 5(3) of Schedule 5 (complaints which may be investigated by Commissioner)—
- (a) before paragraph (a) insert—
- “(za) the competence or fitness to provide immigration advice or immigration services of a person who, at the time to which the complaint relates, was a registered person,”;
- (b) in paragraph (a) for “a person” substitute “ any other person ”;
- (c) after paragraph (a) insert—
- “(aa) the competence or fitness of a person who, at the time to which the complaint relates, was acting on behalf of a registered person,”;
- (d) in paragraph (b) for the first “a person” substitute “ any other person ”;
- (e) in paragraph (d) for “a person to whom they apply” substitute “ a person who, at the time to which the complaint relates, was a registered person or a person acting on behalf of a registered person ”.
- (3) For paragraph 9(1)(a) of that Schedule (Commissioner's powers on determining a complaint) substitute—
- “(a) if the person to whom the complaint relates was at the time to which the complaint relates—
- (i) a registered person, or

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(ii) a person acting on behalf of a registered person,
record the complaint and the decision on it to be considered in
connection with the next relevant application;”.

(4) After paragraph 9(1) insert—

“(1A) In sub-paragraph (1)(a) “relevant application” means—

- (a) if the registered person referred to in that sub-paragraph is still registered, an application by that person for continued registration,
and
- (b) otherwise, an application by that person for registration.”

(5) For paragraph 9(4) substitute—

“(4) Relevant person” means—

- (a) a person who, at the time to which the charge relates, was providing immigration advice or immigration services and was—
 - (i) a registered person, or
 - (ii) a person acting on behalf of a registered person;
- (b) a person providing immigration advice or immigration services who is—
 - (i) a person to whom section 84(4)(d) applies, or
 - (ii) a person employed by, or working under the supervision of, such a person.”

Commencement Information

II Sch. 7 para. 7 in force at 17.11.2014 by S.I. 2014/2771, art. 5(c)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2014/2771 by [S.I. 2015/371 art. 78](#)
- specified provision(s) savings for earlier commencing SI 2014/2771 by [S.I. 2014/2928 art. 2](#) (Amendment already reflected in Appended Commentary in EXTOES for 2014 SI2771.)

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. 21(4A) inserted by [S.I. 2019/745 reg. 21\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 27(7) inserted by [S.I. 2019/745 reg. 21\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 70A(6A) inserted by [S.I. 2019/745 reg. 21\(7\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(7) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- Sch. 3 para. 8A inserted by [2016 c. 19 Sch. 12 para. 16](#)