



# Immigration Act 2016

## 2016 CHAPTER 19

### PART 8

#### FEES AND CHARGES

##### *Immigration*

#### **85 Immigration skills charge**

- (1) The Immigration Act 2014 is amended as follows.
- (2) After section 70 insert—

##### **“70A Immigration skills charge**

- (1) The Secretary of State may by regulations provide for a charge to be imposed on—
  - (a) persons who make immigration skills arrangements, or
  - (b) any description of such persons.
- (2) “Immigration skills arrangements” are arrangements made by a person (“the sponsor”) with the Secretary of State with a view to securing that an individual who is not exempt for the purposes of this section is granted entry clearance or leave to remain in the United Kingdom to enable the individual to work for the sponsor in the United Kingdom.
- (3) Regulations under this section may in particular—
  - (a) impose a separate charge on a sponsor in respect of each individual in relation to whom the sponsor makes immigration skills arrangements;
  - (b) specify the amount of any charge (and different amounts may be specified for different purposes);
  - (c) make provision about when or how a charge may or must be paid to the Secretary of State;

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- (d) make provision about the consequences of a sponsor failing to pay a charge;
  - (e) provide for exemptions from a charge;
  - (f) provide for the reduction, waiver or refund of part or all of a charge (whether by conferring a discretion or otherwise).
- (4) Sums paid by virtue of regulations under this section must—
  - (a) be paid into the Consolidated Fund, or
  - (b) be applied in such other way as the regulations may specify.
- (5) Regulations under this section may be made only with the consent of the Treasury.
- (6) An individual is exempt for the purposes of this section if he or she is—
  - (a) a British citizen;
  - (b) a national of an EEA State other than the United Kingdom;
  - (c) a national of Switzerland;
  - (d) otherwise entitled to enter or remain in the United Kingdom by virtue of an enforceable EU right or of any provision made under section 2(2) of the European Communities Act 1972.
- (7) In this section “entry clearance” has the meaning given by section 33(1) of the Immigration Act 1971.”
- (3) In section 74(2) (orders and regulations which are subject to affirmative resolution procedure) after paragraph (j) insert—
  - “(ja) regulations under section 70A;”.

### *Passports and civil registration*

## **86 Power to make passport fees regulations**

- (1) The Secretary of State may by regulations provide for fees to be charged in respect of the exercise by the Secretary of State of such functions in connection with applications for the issue of a passport or other travel document as may be specified.
- (2) Regulations under subsection (1) are referred to in this section and section 87 as “passport fees regulations”.
- (3) Passport fees regulations must provide for the fee in respect of the exercise of each specified function to comprise one or more amounts each of which is—
  - (a) a specified fixed amount, or
  - (b) an amount calculated by reference to a specified hourly rate or other specified factor.
- (4) Provision made under subsection (3) may be intended to result in a fee in respect of a specified function which exceeds the costs of exercising the function.
- (5) In specifying the amount of any fee, or hourly rate or other factor, the Secretary of State may have regard only to the costs of exercising—
  - (a) the function;
  - (b) any other function of the Secretary of State in connection with United Kingdom passports or other UK travel documents;

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(c) any consular function.

This is subject to section 87(5).

(6) In respect of any fee provided for under this section, passport fees regulations may—

- (a) provide for exceptions;
- (b) provide for the reduction, waiver or refund of part or all of a fee (whether by conferring a discretion or otherwise);
- (c) make provision about—
  - (i) the consequences of failure to pay a fee;
  - (ii) enforcement;
  - (iii) when a fee may or must be paid.

(7) In this section—

“consular function” means—

- (a) any of the functions described in Article 5 of the Vienna Convention on Consular Relations set out in Schedule 1 to the Consular Relations Act 1968;
- (b) any function in the United Kingdom which corresponds to a function mentioned in paragraph (a);

in each case regardless of whether the function is exercised by a consular officer or by another person authorised by the Secretary of State;

“costs” includes—

- (a) the costs of the Secretary of State, and
- (b) the costs of any other person (whether or not funded from public money);

“function” includes a power or a duty;

“specified” means specified in passport fees regulations;

“travel document” means a document which enables or facilitates travel from one state to another and a “UK travel document” means such a document issued by the Secretary of State;

“United Kingdom passport” has the same meaning as in the Immigration Act 1971 (see section 33 of that Act).

(8) Any reference in this section to the exercise of a function includes a reference to its exercise in particular circumstances, including its exercise—

- (a) at particular times or in a particular place;
- (b) under particular arrangements;
- (c) otherwise in particular ways,

and, for this purpose, “arrangements” includes arrangements for the convenience of applicants or persons making requests for the exercise of a function.

#### Commencement Information

**II** [S. 86](#) in force at 12.7.2016 by [S.I. 2016/603](#), [reg. 3\(o\)](#)

## 87 Passport fees regulations: supplemental

(1) Passport fees regulations may be made only with the consent of the Treasury.

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- (2) A fee under section 86 may relate to something done outside the United Kingdom.
- (3) Fees payable by virtue of section 86 may be recovered as a debt due to the Secretary of State.
- (4) Fees paid to the Secretary of State by virtue of section 86 must be—
  - (a) paid into the Consolidated Fund, or
  - (b) applied in such other way as passport fees regulations may specify.
- (5) Section 86 is without prejudice to—
  - (a) section 1 of the Consular Fees Act 1980 (fees for consular acts etc),
  - (b) section 102 of the Finance (No 2) Act 1987 (government fees and charges), or
  - (c) any other power to charge a fee.

#### Commencement Information

**I2** [S. 87](#) in force at 12.7.2016 by [S.I. 2016/603](#), [reg. 3\(p\)](#)

### 88 Power to charge for passport validation services

- (1) The Secretary of State may charge a fee in respect of the provision of passport validation services to persons on request.
- (2) “Passport validation services” are services in connection with confirming the validity of United Kingdom passports or the accuracy of the information contained in them which are provided for the purpose of preventing or detecting crime.
- (3) In this section “United Kingdom passport” has the same meaning as in the Immigration Act 1971 (see section 33 of that Act).
- (4) A fee payable under this section may be recovered as a debt due to the Secretary of State.
- (5) Fees paid to the Secretary of State under this section must be—
  - (a) paid into the Consolidated Fund, or
  - (b) applied in such other way as the Secretary of State may by regulations specify.
- (6) Regulations under subsection (5) may be made only with the consent of the Treasury.
- (7) This section is without prejudice to—
  - (a) section 1 of the Consular Fees Act 1980 (fees for consular acts etc),
  - (b) section 102 of the Finance (No 2) Act 1987 (government fees and charges), or
  - (c) any other power to charge a fee.

#### Commencement Information

**I3** [S. 88](#) in force at 12.7.2016 by [S.I. 2016/603](#), [reg. 3\(q\)](#)

### 89 Civil registration fees

- (1) Schedule 15 (civil registration fees) has effect.

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(2) In that Schedule—

- (a) Part 1 amends enactments about civil registration in connection with powers to make regulations for the charging of fees, and
- (b) Part 2 makes consequential and related amendments.

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**Commencement Information**

**I4** [S. 89](#) in force at 12.7.2016 by [S.I. 2016/603](#), [reg. 3\(r\)](#)

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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](#)