
Changes to legislation: Immigration Act 2016, Paragraph 18 is up to date with all changes known to be in force on or before 14 August 2023. 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 4

LICENSING ACT 2003: AMENDMENTS RELATING TO ILLEGAL WORKING

PART 3

PERSONAL LICENCES

- 18 (1) Section 124 (convictions coming to light after grant) is amended as follows.
- (2) In subsection (1)—
- (a) for “(“the offender”)” substitute “ (“the licence holder”) ”;
 - (b) at the end insert “ or was required during that period to pay an immigration penalty ”.
- (3) In subsection (3)—
- (a) in paragraph (a)—
 - (i) for “applicant” substitute “ licence holder ”;
 - (ii) for “, and” substitute “ which occurred before the end of the application period, ”;
 - (b) in paragraph (b), after “relevant offence” insert “ and which occurred before the end of the application period ”;
 - (c) at the end of paragraph (b) insert “and
 - (c) the licence holder having been required before the end of the application period to pay any immigration penalty,”;
 - (d) in the words after paragraph (b), omit “which occurred before the end of the application period,”.
- (4) After subsection (3) insert—
- “(3A) Where the licence holder was (during the application period)—
- (a) convicted of an immigration offence,
 - (b) convicted of a foreign offence that the licensing authority considers to be comparable to an immigration offence, or
 - (c) required to pay an immigration penalty,
- the authority must give the Secretary of State a notice to that effect.
- (3B) Where, having regard to—
- (a) any conviction of the licence holder for an immigration offence which occurred before the end of the application period,
 - (b) any conviction of the licence holder for a foreign offence which the Secretary of State considers to be comparable to an immigration offence and which occurred before the end of the application period,
- and

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- (c) the licence holder having been required before the end of the application period to pay any immigration penalty,
- the Secretary of State is satisfied that continuation of the licence would be prejudicial to the prevention of illegal working in licensed premises, the Secretary of State must, within the period of 14 days beginning with the day the Secretary of State received the notice under subsection (3A), give the authority a notice stating the reasons for being so satisfied (an “immigration objection notice”).”
- (5) In subsection (4)—
- (a) in the words before paragraph (a), for “is given within that period” substitute “or an immigration objection notice is given within the period of 14 days referred to in subsection (3) or (3B), as the case may be,”;
- (b) in paragraph (a)—
- (i) omit “objection”;
- (ii) for “holder of the licence, the chief officer of police” substitute “licence holder, the person who gave the notice”;
- (c) in paragraph (b), for the words from “revoke” to the end of the paragraph substitute “—
- (i) where the notice is an objection notice, revoke the licence if it considers it appropriate for the promotion of the crime prevention objective to do so, or
- (ii) where the notice is an immigration objection notice, revoke the licence if it considers it appropriate for the prevention of illegal working in licensed premises to do so.”
- (6) After subsection (5) insert—
- “(5A) Where the authority revokes or decides not to revoke a licence under subsection (4)(b)(ii) it must also notify the Secretary of State of the decision and its reasons for making it.”

Commencement Information

II Sch. 4 para. 18 in force at 6.4.2017 by S.I. 2017/380, reg. 2(b)

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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\(4\)](#)