

2001 No. 1394 (C. 49)

IMMIGRATION

**The Immigration and Asylum Act 1999
(Commencement No. 10) Order 2001**

Made - - - - -

5th April 2001

In exercise of the powers conferred upon him by section 170(4) and (5) of the Immigration and Asylum Act 1999(a), the Secretary of State hereby makes the following Order:

1. This Order may be cited as the Immigration and Asylum Act 1999 (Commencement No. 10) Order 2001.
2. The Provisions of the Immigration and Asylum Act 1999 specified in column 1 of the Schedule to this Order shall come into force on the date specified in column 2 of that Schedule.

Home Office

5th April 2001

Barbara Roche
Minister of State

(a) 1999 c.33.

THE SCHEDULE

Article 2

<i>Column 1</i>	<i>Column 2</i>
Section 22 (Employment: code of practice) (so far as not already in force)	2nd May 2001
Section 84 (provision of immigration services) (so far as not already in force).	30th April 2001
Section 86 (Designated professional bodies) (so far as not already in force).	30th April 2001
Section 90 (Orders by disciplinary bodies) (so far as not already in force).	30th April 2001
Section 91 (Offences).	30th April 2001
Section 92 (Enforcement).	30th April 2001

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force section 22 of the Immigration and Asylum Act 1999 on 2nd May 2001. Section 22 inserts section 8A into the Asylum and Immigration Act 1996. Section 8A requires the Secretary of State to issue a code of practice as to the measures which an employer is to be expected to take or not to take to avoid both unlawful discrimination and the commission of an offence under section 8 of the Asylum and Immigration Act 1996 (restrictions on employment).

This Order also brings into force all remaining provisions of Part V of the Immigration and Asylum Act 1999, which establishes the regulatory scheme governing the provision of immigration advice and services, on 30th April 2001.

Of the Part V provisions brought into force by this Order, section 91 creates a criminal offence of providing immigration advice or services whilst unqualified in contravention of section 84 or providing immigration advice or services in breach of a restraining order made under section 89(8), Section 90(1) or paragraph 9(3) of Schedule 5. This offence is punishable with a maximum term of imprisonment of two years. Under the remaining provisions of section 84, the categories of person deemed to be “qualified”, as well as categories of a person to whom the prohibition does not apply, are now extended. Section 92 sets out the procedure by which the Immigration Services Commissioner may obtain an injunction or interdict where it appears to him that the criminal offence is being committed and is likely to continue otherwise.

The remaining provisions brought into force under section 86 oblige designated professional bodies to pay fees (to be specified by order) to the Immigration Services Commissioner for the purpose of financing the regulatory scheme. Section 90 is also brought into force in full, providing for disciplinary bodies to make orders suspending or prohibiting persons subject to their jurisdiction from providing immigration advice or services, or restricting such advice or services as appropriate.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Immigration and Asylum Act 1999 have been brought into force on the dates shown by commencement orders before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 and 2 (Leave to enter; leave to remain).	14th February 2000	2000/168
Section 3 (Continuation of leave pending decision).	2nd October 2000	2000/2444
Sections 6 and 7 (Members of Missions other than diplomatic agents; Persons ceasing to be exempt).	1st March 2000	2000/168
Section 8 (Persons excluded from the United Kingdom under International Obligations).	1st March 2000	2000/168
Section 10(6) (Removal directions: prescribed class of persons to whom they may be given; imposition of prescribed requirements).	22nd May 2000	2000/1282
Section 10 (Removal of certain persons unlawfully in the United Kingdom) (so far as not already in force).	2nd October 2000	2000/2444
Section 11 (Removal of asylum claimants under standing arrangements with Member States).	2nd October 2000	2000/2444
Section 12(1) (in part) (Designation of countries other than EU Member States to which asylum claimants may be removed).	22nd May 2000	2000/1282
Section 12 (Removal of asylum claimants other than under standing arrangements with member States) (so far as not already in force).	2nd October 2000	2000/2444
Section 13 (Proof of identity of persons to be removed or deported).	11th December 2000	2000/3099
Section 14 (Escorts for persons removed from the United Kingdom under directions).	1st March 2000	2000/168
Section 18 (in part) (Passenger information).	1st March 2000	2000/464
Section 18 (so far as not already in force) and 19 (Notification of non-EEA arrivals).	3rd April 2000	2000/464
Sections 20 and 21 (Supply of information to and by Secretary of State).	1st January 2000	1999/3190
Section 22 (Restrictions on employment: code of practice) (For the purposes of laying a draft code before Parliament and enabling subordinate legislation to be made under Section 8A of the Asylum and Immigration Act 1996 (a))	19th January 2001	2001/239
Section 23 (Monitoring refusals of entry clearance).	2nd October 2000	2000/2444
Section 24 (Reporting suspicious marriages).	1st January 2001	2000/2698
Sections 28, 29(1) (in part) (2) and (4) and 30 (Offences).	14th February 2000	2000/168
Section 29 (Facilitation of entry) (so far as not already in force).	2nd October 2000	2000/2444

(a) 1996 c.49. Section 8A is inserted by section 22 of the Immigration and Asylum Act 1999 (c.33).

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 32(2)(a), (3) and (10) (in part) (Prescribed penalty for carrying clandestines; prescribed period for payment; and prescribed control zone).	6th December 1999	1999/3190
Section 33 (Clandestine entrants: Code of practice).	6th December 1999	1999/3190
Section 35(7) to (9) (in part) (Clandestine entrants: period for giving notice of objection and service of notices on detached trailers).	6th December 1999	1999/3190
Section 36(2)(a) (in part) (Clandestine entrants: prescribed period for payment of penalty).	6th December 1999	1999/3190
Section 37(6) (in part) (Sale of transporters).	6th December 1999	1999/3190
Sections 32 and 34 to 37 (in part) (so far as not already in force) (Clandestine entrants).	3rd April 2000	2000/464
Section 32 and 34 to 37 (in part) (so far as not already in force).	18th September 2000	2000/2444
Section 38 (Assisting illegal entry and harbouring).	3rd April 2000	2000/464
Section 39 (Clandestine entrants: Rail freight).	6th December 1999	1999/3190
Section 40 (9) and (10) (Carriers' Liability: trains: international agreement for controls).	6th December 1999	1999/3190
Section 42(8) (in part) (Sale of transporters).	6th December 1999	1999/3190
Section 43 (Interpretation of Part II).	6th December 1999	1999/3190
Sections 56 (The Immigration Appeal tribunal) and 57 (Adjudicators).	14th February 2000	2000/168
Section 58(2) (in part) (Part I of Schedule 4 to the Act).	14th February 2000	2000/168
Section 58(2) (in part) (Part I of Schedule 4 to the Act).	22nd May 2000	2000/1282
Section 60(6) and (10) (Family visitor appeals: fees; definition of family visitor).	22nd May 2000	2000/1282
Section 72(3) (in part) (Miscellaneous limitations on rights of appeal).	22nd May 2000	2000/1282
Section 74 (in part) (One-stop procedure: duty to disclose grounds for appeal etc).	22nd May 2000	2000/1282
Section 75 (in part) (One-stop procedure: duty to disclose grounds for entering etc the United Kingdom).	22nd May 2000	2000/1282
Section 76(6) (Result of failure to comply with section 74: definition of family member etc).	22nd May 2000	2000/1282
Section 80 (EEA Nationals).	22nd May 2000	2000/1282
Part IV (appeals) (including Schedules 2, 3 and 4) (except for section 79 and so far as not already in force).	2nd October 2000	2000/2444
Section 82 (Interpretation of Part V).	22nd May 2000	2000/1282
Section 83 (in part) (The Commissioner).	22nd May 2000	2000/1282

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 83(4) and (5) (The Commissioner) (so far as not already in force).	30th October 2000	2000/1985
Section 84(2)(a) and (b), (4)(a) and (d), (5) and (7) (Provision of immigration services).	30th October 2000	2000/1985
Section 85(3) (Schedule 6).	1st August 2000	2000/1985
Section 85 (Registration and exemption by the Commissioner) (so far as not already in force).	30th October 2000	2000/1985
Section 86(1) to (9) (Designated professional bodies) (for the purposes of enabling subordinate legislation to be made under them).	22nd May 2000	2000/1282
Section 86(10) to (12) (Designated professional bodies).	30th October 2000	2000/1985
Section 87(5) (The Tribunal).	1st August 2000	2000/1985
Section 87 (The Tribunal) (so far as not already in force).	30th October 2000	2000/1985
Section 88 (Appeal upheld by the Tribunal).	30th October 2000	2000/1985
Section 89 (Disciplinary charge upheld by the Tribunal).	30th October 2000	2000/1985
Section 90 (Orders by disciplinary bodies) (for the purposes of enabling subordinate legislation to be made under it).	1st August 2000	2000/1985
Section 93 (Information).	22nd May 2000	2000/1282
Section 95 (3) to (8) (in part) (Persons for whom support may be provided).	6th December 1999	1999/3190
Section 95 (in part).	1st January 2000	1999/3190
Section 97 (in part) (Supplemental provisions on provision of support).	1st January 2000	1999/3190
Section 98(3) (in part) (Temporary support).	1st March 2000	2000/464
Section 104 (Asylum support: Secretary of State's Rules).	1st January 2000	1999/3190
Section 110 (9) (Definition of "Northern Ireland authority" for the purposes of section 110).	6th December 1999	1999/3190
Section 114 (in part) (Overpayments).	1st January 2000	1999/3190
Section 115 (in part) (Exclusion from benefits).	1st January 2000	1999/3190
Section 116 (Amendment of section 21 of the National Assistance Act 1948).	6th December 1999	1999/3190
Section 117 (1) and (2) (Amendment of section 45 of the Health Services and Public Health Act 1968 and paragraph 2 of Schedule 8 to the National Health Service Act 1977).	6th December 1999	1999/3190
Section 118 (in part) (Housing authority accommodation).	1st January 2000	1999/3190

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 118 (so far as not already in force) (Housing authority accommodation).	1st March 2000	2000/464
Section 119 (in part) (Homelessness: Scotland and Northern Ireland).	1st January 2000	1999/3190
Section 119 (so far as not already in force) (Homelessness: Scotland and Northern Ireland).	1st March 2000	2000/464
Section 120 and 121 (in part) (Other restrictions on assistance: Scotland and Northern Ireland)	1st March 2000	2000/464
Section 122 (in part) (Support for children).	1st March 2000	2000/464
Part VI (so far as not already in force and except section 117(5)) (Support for asylum seekers).	3rd April 2000	2000/464
Section 123 (in part) (Backdating of benefits where person recorded as refugees).	1st January 2000	1999/3190
Section 128 to 139 (Powers to arrest and search).	14th February 2000	2000/168
Sections 141 to 144 (Fingerprinting Attendance for fingerprinting, Destruction of fingerprints and Other methods of collecting data about physical characteristics).	11th December 2000	2000/3099
Section 147 (Interpretation of Part VIII)	1st August 2000	2000/1985
Section 148(3) (Management of detention centres)	1st August 2000	2000/1985
Section 148 (so far as not already in force) (Management of detention centres).	2nd April 2001	2001/239
Section 149(1), (3), (6)(a) and (9) (Detention centres: Contracting out).	1st August 2000	2000/1985
Section 149 (so far as not already in force) (Contracting out of certain detention centres).	2nd April 2001	2001/239
Section 150 (Contracted out functions at directly managed detention centres).	2nd April 2001	2001/239
Section 151 (Intervention by Secretary of State).	2nd April 2001	2001/239
Section 152(2) and (3) (Visiting Committees: functions).	1st August 2000	2000/1985
Section 152 (so far as not already in force) (Visiting committees and inspections).	2nd April 2001	2001/239
Section 153 (Detention centre rules).	1st August 2000	2000/1985
Section 153 (so far as not already in force) (Detention Centre rules).	2nd April 2001	2001/239
Section 154 (in part) (Detainee Custody Officers).	3rd April 2000	2000/464
Section 154(7) (Schedule 11).	1st August 2000	2000/1985
Section 154 (so far as not already in force) (Detainee Custody Officers).	2nd April 2001	2001/239
Section 155(2) (Schedule 12).	1st August 2000	2000/1985

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 155 (so far as not already in force) (Custodial functions and discipline etc at detention centres).	2nd April 2001	2001/239
Section 156(5) (Schedule 13).	1st August 2000	2000/1985
Section 156 (so far as not already in force) (Arrangements for the provision of escorts and custody).	2nd April 2001	2001/239
Section 157 (Short-term holding facilities).	1st August 2000	2000/1985
Section 157 (so far as not already in force) (Short-term holding facilities).	2nd April 2001	2001/239
Section 158 (Wrongful disclosure of information).	2nd April 2001	2001/239
Section 159 (Power of constable to act outside his jurisdiction).	2nd April 2001	2001/239
Section 160 to 163 (Registrar's Certificates: procedure).	1st January 2001	2000/2698
Section 165 (in part) (Procedural requirements as to applications).	22nd May 2000	2000/1282
Section 169(1) and (2) (in part) (Minor and consequential amendments and transitional provisions).	6th December 1999	1999/3190
Section 169 (in part) (Schedule 14).	14th February 2000	2000/168
Section 169(1) and (3) (in part) (Minor and consequential amendments and repeals).	1st March 2000	2000/464
Section 169(1) and (3) (in part) (so far as not already in force) (Minor and consequential amendments and repeals).	3rd April 2000	2000/464
Section 169(1) (in part) (Schedule 14).	1st August 2000	2000/1985
Section 169 (Schedules 14 to 16).	2nd October 2000	2000/2444
Section 169(1) and (3) (Schedules 14 and 16).	1st January 2001	2000/2698
Section 169(1) and (3) (in part) (Minor and consequential amendments and repeals).	11th December 2000	2000/3099
In Schedule 1, paragraphs 2 and 5 (Sale of transporters).	6th December 1999	1999/3190
Schedule 1 (so far as not already in force) (Sale of transporters).	3rd April 2000	2000/464
Schedules 2 (The Immigration Appeal Tribunal) and 3 (Adjudicators).	14th February 2000	2000/168
In Schedule 4 (Appeals), paragraph 1 (Notice of appealable matters).	22nd May 2000	2000/1282
In Schedule 4 (Appeals), paragraphs 3 to 5.	14th February 2000	2000/168
In Schedule 5 (The Immigration Services Commissioner), paragraphs 1(1), (2) and (4), 2(1) to (4) and (6) to (8), 3(1) to (3) and (5) to (7), 4, 5(1) to (3), 6(1) and 11 to 25.	22nd May 2000	2000/1282

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 5 (Regulatory functions) (so far as not already in force).	30th October 2000	2000/1985
In Schedule 6, paragraph 5(1) (Immigration Services Commissioner: Registration fees).	1st August 2000	2000/1985
Schedule 6 (so far as not already in force).	30th October 2000	2000/1985
Schedule 7 (so far as not already in force).	30th October 2000	2000/1985
Schedule 8 (Provision of support: regulations).	1st January 2000	1999/3190
In Schedule 11 (Detainee custody officers) paragraphs 1 and 7(1).	3rd April 2000	2000/464
In Schedule 11, paragraphs 2(1)(a) and 7(2) and (3) (Detainee custody officers).	1st August 2000	2000/1985
Schedule 11 (so far as not already in force).	2nd April 2001	2001/239
In Schedule 12, paragraphs 1, 2 and 3(7) (Discipline etc at detention centres).	1st August 2000	2000/1985
Schedule 12 (so far as not already in force).	2nd April 2001	2001/239
In Schedule 13, paragraph 2(1)(a) and (4) (Escort arrangements).	1st August 2000	2000/1985
Schedule 13 (so far as not already in force).	2nd April 2001	2001/239
In Schedule 14, paragraph 54 (Proof of documents).	6th December 1999	1999/3190
In Schedule 14, paragraph 61.	11th December 2000	2000/3099
In Schedule 14, paragraph 117 (Amendment of section 512(3) of the Education Act 1996).	6th December 1999	1999/3190
In Schedule 14, paragraphs 43 (in part), 44(1), 45, 49 (in part), 50, 51, 53, 56 to 60, 62(1), (3) and (4), 63, 64, 67, 68, 71, 72, 80(1) (in part), (2) and (3), 90(1) (in part), (2) and (3), 91, 94 (in part), 95, 96, 98, 108 (in part), 109, 118 (in part) and 125 (Minor and consequential provisions).	14th February 2000	2000/168
In Schedule 14, paragraphs 43 (in part), 52(1) (in part) and 3(a), 108 (in part) and 110 (Minor and consequential provisions).	1st March 2000	2000/464
In Schedule 14, paragraphs 118 (in part) and 129 (Notices of decisions which are appealable under the Special Immigration Appeals Commission Act 1997).	1st August 2000	2000/1985
In Schedule 14, paragraphs 43 (in part), 52(1) (in part) and 3(b), 74, 76, 92, 93, 99 (in part), 101, 108 (in part) and 111 to 113 (Minor and consequential provisions).	3rd April 2000	2000/464
In Schedule 14 (Consequential amendments), paragraphs 43, 44(2), 46, 49 (except for section 22 of the 1971 Act, so far as that section has effect for the purposes of paragraph 25 of Schedule 2 to that Act, and so far as not already in force), 52 (so far as not already in force), 55, 65, 66, 69, 70, 83, 84, 99, 103 to 106, 108, 114, 115, 118, 120, 121 (so far as it relates to subsections (1) to (6) of section 2A of the 1997 Act), 122 to 128, 129 (so far as not already in force).	2nd October 2000	2000/2444

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
In Schedule 14, paragraphs 1 to 32, 37 to 42 and 77.	1st January 2001	2000/2698
In Schedule 15, paragraphs 5, 6, and 9 (Transitional provisions in relation to section 116 and subsections (1) and (2) of section 117).	6th December 1999	1999/3190
In Schedule 15, paragraphs 1, 3, 4(b) and 14 (Transitional provisions).	14th February 2000	2000/168
In Schedule 15 (Transitional provisions and savings), paragraphs 11 and 12.	2nd October 2000	2000/2444
In Schedule 16, the entries relating to the Immigration Act 1971 (in part), the House of Commons Disqualification Act 1975, the Northern Ireland Assembly Disqualification Act 1975, the Courts and Legal Services Act 1990, the Judicial Pensions and Retirement Act 1993 and the Asylum and Immigration Act 1996 (in part).	14th February 2000	2000/168
In Schedule 16 (Repeals) the entries relating to section 9 of the Asylum and Immigration Act 1996 and Paragraph 3 of Schedule 6 to the Housing Act 1996.	1st March 2000	2000/464
In Schedule 16 (Repeals) the entries relating to the Social Security Contributions and Benefits Act 1992, the Social Security and Benefits (Northern Ireland) Act 1992, sections 3 and 4 of, and Schedule 1 to, the Asylum and Immigration Act 1993 and sections 10 and 11 of, and Schedule 1 to, the Asylum and Immigration Act 1996.	3rd April 2000	2000/464
In Schedule 16 (Repeals), the entries relating to Part II and Schedules 2 and 3 of the 1971 Act (except for section 22 of the 1971 Act, so far as that section has effect for the purposes of paragraph 25 of Schedule 2 to the 1971 Act, and so far as not already in force); the entry relating to section 5 of the Immigration Act 1988 (a); the entries relating to sections 7, 8, 9, 10 and 11 of, and Schedule 2 to, the 1993 Act; the entries relating to sections 1, 2 and 3 of, and Schedules 2 and 3 to, the 1996 Act; the entries relating to section 7(4) of, and paragraph 5 of Schedule 2 to, the 1997 Act.	2nd October 2000	2000/2444
In Schedule 16 (Repeals) the entries relating to the Marriage Act 1949(b); the Family Law Reform Act 1969(c) and the Marriage (Registrar General's Licence) Act 1970(d).	1st January 2001	2000/2698
In Schedule 16 (Repeals) the entry relating to section 3 of the Asylum and Immigration Appeals Act 1993.	11th December 2000	2000/3099

(a) 1988 c.14.
(b) 1949 c.76.
(c) 1969 c.46.
(d) 1970 c.34.

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IMMIGRATION

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