STATUTORY INSTRUMENTS

2017 No. 1317

IMMIGRATION, SCOTLAND
LICENCES AND LICENSING, SCOTLAND

The Immigration Act 2016 (Consequential Amendments) (Licensing of Booking Offices: Scotland) Regulations 2017

Made - - - -	*19th December 2017*
Laid before Parliament	*20th December 2017*
Coming into force - -	*22nd January 2018*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 92(2) of the Immigration Act 2016(**1**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Immigration Act 2016 (Consequential Amendments) (Licensing of Booking Offices: Scotland) Regulations 2017 and come into force on 22nd January 2018.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations—

"the 2009 Order" means the Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009(**2**);

"the Act" means the Civic Government (Scotland) Act 1982(**3**);

"booking office licence" means a licence for an activity designated as an activity for which a licence is required under Part I of the Act by article 2 of the 2009 Order.

Amendments to the Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009

3. The 2009 Order is amended as follows.

(**1**) 2016 c. 19.
(**2**) S.S.I. 2009/145.
(**3**) 1982 c. 45.

4. In Article 1, paragraph (2), at the appropriate place insert—

""booking office licence" means a licence for an activity designated under Article 2;".

5. After Article 3 (application of Part I of the Act) insert—

"**Booking office licences for persons subject to immigration control**

3A.—(1) This article applies to a licence for the activity designated by article 2.

(2) A licensing authority shall not grant a licence to a person, or renew a person's licence in respect of the activity designated by article 2 unless the authority is satisfied that the person is not disqualified by reason of the person's immigration status from holding a booking office licence.

(3) For the purposes of paragraph (2) a person is disqualified by reason of the person's immigration status from holding a booking office licence if the person is subject to immigration control and—

(a) the person has not been granted leave to enter or remain in the United Kingdom, or

(b) the person's leave to enter or remain in the United Kingdom—

(i) is invalid,

(ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or

(iii) is subject to a condition preventing the person from holding a booking office licence.

(4) In determining for the purposes of paragraph (2) whether a person is disqualified by reason of the person's immigration status from holding a booking office licence, a licensing authority must have regard to any guidance issued by the Secretary of State.

(5) Where a person is on immigration bail within the meaning of Part 1 of Schedule 10 to the Immigration Act 2016—

(a) the person is to be treated for the purposes of this section as if the person had been granted leave to enter the United Kingdom, but

(b) any condition as to the person's work in the United Kingdom to which the person's immigration bail is subject is to be treated for those purposes as a condition of leave.

(6) For the purposes of this article a person is subject to immigration control if under the Immigration Act 1971 the person requires leave to enter or remain in the United Kingdom.".

6. In the Schedule (application of Part I of the Act)—

(a) after paragraph 3 insert—

"**3A.** In paragraph 8A (taxi etc driving licences for persons subject to immigration control)(**4**) of Schedule 1—

(a) in sub-paragraph (1)(a) after "private hire car driver's licence" insert "or booking office licence";

(b) in sub-paragraph (3)(a) after "private hire car driver's licence" insert "or booking office licence";

(c) after sub-paragraph (5) insert—

(**4**) Paragraph 8A of Schedule 1 to the Civic Government (Scotland) Act 1982 (c. 45) ("the 1982 Act") was inserted by paragraphs 29 and 32 (1) and (3) of Schedule 5 to the Immigration Act 2016 ("the 2016 Act").