STATUTORY INSTRUMENTS

2016 No. 1252

FINANCIAL SERVICES AND MARKETS

The Immigration Act 2014 (Current Accounts) (Excluded Accounts and Notification Requirements) Regulations 2016

Made - - - -	*19th December 2016*
Coming into force - -	*30th October 2017*

The Treasury make the following Regulations in exercise of the powers conferred on them by sections 40A(4), 40B and 41 of the Immigration Act 2014(**1**).

In accordance with section 74(2) of that Act, a draft of this instrument was laid before, and approved by a resolution of, each House of Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Immigration Act 2014 (Current Accounts) (Excluded Accounts and Notification Requirements) Regulations 2016 and come into force on 30th October 2017.

(2) In these Regulations "the Act" means the Immigration Act 2014.

Excluded accounts

2. For the purposes of section 40A(4) of the Act an account is an excluded account if it is operated by or for an individual who is acting, with respect to the account, for the purposes of a trade, business or profession.

Prescribed information and form of notification by a bank or building society to the Secretary of State

3.—(1) The following information is prescribed for the purposes of section 40B(2)(b) of the Act–

(a) the date that the immigration check was carried out;

(b) the name, address and date of birth of the person ('P') the bank or building society ('B') believes to be a disqualified person;

(c) the type and current balance of each account held with B that is operated by or for P;

(d) in relation to each such account, a statement that, as far as appears in B's records—

(**1**) 2014 c. 22. These sections were inserted by the Immigration Act 2016 (c. 19), section 45 and Schedule 7.

(i) the account is held by P only, or

(ii) the account is held by P and another person, or

(iii) P is a signatory to the account, or

(iv) P is identified as a beneficiary in relation to the account;

(e) where, in the year before the immigration check in relation to an account within sub-paragraph (d)(i) or (ii) was carried out, at least two payments of £200 or more were (as far as appears in B's records) made into the account by the same person or from the same account—

(i) the amount of each such payment,

(ii) the date upon which it was made,

(iii) any reference supplied by the payer which describes or denotes it (including a reference number or other text supplied for a similar purpose) and which appears in B's records in relation to the payment, and

(iv) if the payment was made from an account, any unique identifier that appears in B's records in relation to the payment or the account;

(f) any other information held by B which in B's opinion may be relevant to the carrying out of the Secretary of State's functions under sections 40A to 40G of the Act.

(2) A notification made, or information provided, under section 40B(2) of the Act must—

(a) be made or provided by means of a website published and maintained by the Secretary of State for that purpose; and

(b) include–

(i) a statement identifying the bank or building society making the notification or providing the information; and

(ii) the date upon which the notification is made or the information is provided.

(3) For the purposes of this regulation a reference to a unique identifier includes a reference to any combination of letters, numbers or symbols (including a sort code and account number) used by a bank or building society in the ordinary course of its business to identify or denote—

(a) a payment, or

(b) an account held with that bank or building society.

Regulation by Financial Conduct Authority

4.—(1) The Immigration Act 2014 (Bank Accounts) Regulations 2014(**2**) are amended as follows.

(2) In regulation 2—

(a) for the definition of "current account authorised person" substitute—

""current account authorised person" means an authorised person to whom—

(a) the prohibition in section 40 of the Act applies, or

(b) the requirements in section 40A, 40B or 40G of the Act apply;";

(b) for the definition of "relevant requirement" substitute—

""relevant requirement" means the prohibition imposed by section 40 of the Act, a requirement imposed by section 40A, 40B or 40G of the Act, or any

(**2**) S.I. 2014/3085.