STATUTORY INSTRUMENTS

2016 No. 9

IMMIGRATION

The Immigration (Residential Accommodation) (Prescribed Requirements and Codes of Practice) (Amendment) Order 2016

Made - - - -	*6th January 2016*
Laid before Parliament	*11th January 2016*
Coming into force - -	*1st February 2016*

The Secretary of State, makes the following Order in exercise of the powers conferred by sections 24(2), (7) and (8), 26(2), (7) and (8), 32(6), 34(1) and 37(1)(**1**) of the Immigration Act 2014(**2**).

In accordance with section 32(6) of that Act a draft code of practice for the purposes of Chapter 1 of Part 3 has been laid before Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Immigration (Residential Accommodation) (Prescribed Requirements and Codes of Practice) (Amendment) Order 2016 and comes into force on 1st February 2016.

(2) In this Order, "the 2014 Order" means the Immigration (Residential Accommodation) (Prescribed Requirements and Codes of Practice) Order 2014(**3**).

Amendment of the 2014 Order

2. The 2014 Order is amended as follows.

3. In article 2 (interpretation) at the appropriate places insert—

> ""charity" means a charity within the meaning of section 1 of the Charities Act 2011(**4**), or section 1 of the Charities Act (Northern Ireland) 2008(**5**) or a body entered in the Scottish Charity Register(**6**);"

(**1**) See the definition of "prescribed".
(**2**) 2014 c. 22.
(**3**) S.I. 2014/2874.
(**4**) 2011 c. 25.
(**5**) 2008 c. 12.
(**6**) The Scottish Charity Register was set up pursuant to section 3 of the Charities and Trustee Investment (Scotland) Act 2005 (2005 asp 10).

""further education institution" means an institution which is within the further education sector;"

""higher education institution" means—

(a) an institution that has been granted degree-awarding powers by either a Royal Charter, an Act of Parliament or the Privy Council; or

(b) an institution not falling within paragraph (a) but which provides full courses that lead to the award of a degree by an institution falling within that paragraph;"

""public authority" has the meaning given by section 6(3) of the Human Rights Act 1998(**7**);"

""voluntary organisation" means a body (other than a public authority) whose activities are not carried on for profit."

4. In article 9 (notification of contraventions to the Secretary of State)—

(a) for "in writing" substitute "made via the GOV.UK website or by telephone";

(b) omit paragraph (b).

5. The Schedule to the 2014 Order is amended in accordance with articles 6 to 15.

6. In paragraph 8 of List A, omit "which has not expired".

7. In paragraph 11 of List A, omit "which has not expired".

8. For paragraph 5 of List B, substitute—

"**5.** A letter which—

(a) is issued by a government department or local authority no longer than 3 months before the date on which it is presented;

(b) is signed by a named official stating their name and professional address;

(c) confirms the holder's name;

(d) confirms that the holder has accessed services from that department or authority or is otherwise known to that department or authority."

9. For paragraph 6 of List B, substitute—

"**6.** A letter which—

(a) is issued no longer than 3 months before the date on which it is presented;

(b) is signed by a British passport holder who is or has been a professional person or who is otherwise of good standing in their community;

(c) confirms the holder's name;

(d) states how long the signatory has known the holder, such period being of at least 3 months' duration, and in what capacity;

(e) states the signatory's name, address, profession, place of work and passport number."

10. In paragraph 7 of List B, after "employee reference number" insert "or National Insurance number".

11. In paragraph 8 of List B, for "and personal documents have been stolen" substitute "in which the holder's passport or biometric immigration document has been stolen".

(7) 1998 c. 42.