



Home Office

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*Dear Michael,*

**Immigration Bill 2015: taxi and private hire vehicle licensing**

Thank you for your letter of 6 January regarding the Immigration Bill. The Immigration Bill will deliver further improvements to the UK's immigration system. While we want to continue to attract the brightest and best immigrants who come here to contribute to our economy and society and play by the rules, it is vital that we tackle those who abuse the system. The Bill will support working people, clamp down on illegal immigration and protect our public services, while also tackling the exploitation of low-skilled workers.

The Immigration Bill includes a number of commitments made in the Conservative Party manifesto, as well as further proposals announced in the Prime Minister's key immigration speech immediately after the general election.

Provisions in parts 1 and 2 of the Immigration Bill are intended to make it more difficult for illegal migrants to live and work in the UK. In addition, Part 1 of the Bill also contains important provisions to better co-ordinate the regulation of labour market enforcement in order to protect the rights of workers, including migrants.

Illegal working is a major driver of illegal migration to the UK and an incentive to commit immigration offences, such as overstaying and breach of visa conditions. Furthermore it encourages illegal migrants to put themselves in danger in their attempts to come to the UK and then leads them to be subject to exploitation in their efforts to work here. This is why we are using the Bill to take tougher sanctions against employers who use illegal labour and to remove the economic motivation for illegal migrants to work here.

Part 1 of the Bill contains provisions to prevent illegal working in the taxi and private hire sector and the alcohol and late night refreshment sector by embedding immigration checks and safeguards into the existing licensing

regimes. Though the licensing legislation itself is devolved, the amendments to the legislation are to deliver an immigration purpose and are therefore reserved.

As I explained in my letter of 6 November, the reason we are introducing immigration safeguards into the existing taxi and private hire vehicle licensing regimes is because of the scope for illegal working in this sector, in which the majority of drivers are self-employed and, therefore, not subject to existing right to work checks undertaken by employers.

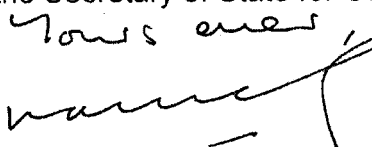
The Bill contained an enabling power permitting provisions equivalent to those in England and Wales to be made in relation to both taxi and alcohol licensing in Scotland and Northern Ireland. Our officials and lawyers have been working together on the provisions to ensure that they can operate effectively within the existing licensing regimes. I am pleased to say that, in the case of taxis and private hire vehicles, we have been able to bring forward amendments to the Bill, replacing the enabling clause with substantive provisions. In the case of Scotland, these amend the Civic Government (Scotland) Act 1982. They were tabled in advance of Lords' Committee Stage and debated on 20 January. I am grateful for the assistance given to the Home Office by Scottish Government officials and lawyers in framing these provisions.

In the case of alcohol and late night refreshment licensing regimes, it is appreciated that the legislation in Scotland and Northern Ireland is complex and, in the case of Scotland, that that legislation is subject to prospective amendment. The work on these provisions is, therefore, ongoing and it is the aim that, in order to allow sufficient time to consider their workability, they can be contained in regulations made under the Bill once it has come into force. We are grateful for the efforts of Scottish Government officials and lawyers in commenting on the draft provisions to date. We intend to publish illustrative regulations before Report stage of the Bill.

The intention has been to work with the grain of existing licensing regimes in Scotland and Northern Ireland to ensure that changes are as light touch as possible whilst achieving the required objective and mirroring as closely as possible the provisions for the rest of the UK.

I share your concern to ensure that the provisions work as intended when implemented. With this in mind, our lawyers and policy officials have been working with yours in the development of the substantive provisions on taxi and private hire vehicles for Scotland with the result that they could be included in the Bill. Our officials will continue to work together during the passage of the Bill and thereafter in the implementation of these measures.

I am copying this letter to the Secretary of State for Scotland.

*Yours ever,*  
  
**Rt Hon James Brokenshire**