

# Immigration Bill

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## AMENDMENTS TO BE MOVED ON REPORT

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### Clause 1

LORD BATES

- 1 Page 2, line 5, after “allowances” insert “, and  
(b) pay or make provision for the payment of such pension to or in respect of the Director,”

### Clause 2

LORD BATES

- 2 Page 2, line 25, at end insert—  
“(iii) the information, or descriptions of information, that should be provided to the Director for the purposes of his or her functions by any person by whom, or by whose officers, labour market enforcement functions are exercisable, and  
(iv) the form and manner in which, and frequency with which, that information should be provided,”
- 3 Page 2, line 30, leave out “subsection (2)(b)” and insert “paragraph (b) of subsection (2)”
- 4 Page 2, line 31, leave out “concerned” and insert “mentioned in sub-paragraphs (i) and (ii) of that paragraph”

### Clause 3

LORD BATES

- 5 Page 3, line 28, at end insert—  
“( ) any function of an enforcing authority under this Chapter,”
- 6 Page 4, line 12, after “following” insert “—  
(i) ”

- 7 Page 4, line 13, leave out “or (e)” and insert “, (e) or (i) to (l), or  
 (ii) a finding of a kind mentioned in section 14(1)(b) or (c) of that Act in connection with any such offence”

**After Clause 5**

LORD BATES

- 8 Insert the following new clause—

**“Information gateways**

- (1) A person may disclose information to the Director or a relevant staff member if the disclosure is made for the purposes of the exercise of any function of the Director.
- (2) Information obtained by the Director or a relevant staff member in connection with the exercise of any function of the Director may be used by the Director or a relevant staff member in connection with the exercise of any other function of the Director.
- (3) The Director or a relevant staff member may disclose information obtained in connection with the exercise of any function of the Director to a specified person if the disclosure is made for the purposes of the exercise of any function of the specified person.
- (4) “Specified person” means a person specified in Schedule (*Persons to whom Director etc may disclose information*) (persons to whom Director etc may disclose information).
- (5) The Secretary of State may by regulations amend Schedule (*Persons to whom Director etc may disclose information*).
- (6) In this section, “relevant staff member” means a member of staff provided to the Director under section 1(4).”

- 9 Insert the following new clause—

**“Information gateways: supplementary**

- (1) A disclosure of information which is authorised by section (*Information gateways*) does not breach—
  - (a) an obligation of confidence owed by the person making the disclosure, or
  - (b) any other restriction on the disclosure of information (however imposed).
- (2) But nothing in section (*Information gateways*) authorises the making of a disclosure which—
  - (a) contravenes the Data Protection Act 1998, or
  - (b) is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.
- (3) Section (*Information gateways*) does not limit the circumstances in which information may be disclosed apart from that section.
- (4) Section (*Information gateways*)(1) does not authorise a person serving in an intelligence service to disclose information to the Director or a relevant staff member.

But this does not affect the disclosures which such a person may make in accordance with intelligence service disclosure arrangements.

- (5) Intelligence service information may not be disclosed by the Director or a relevant staff member without authorisation from the appropriate service chief.
- (6) If the Director or a relevant staff member has disclosed intelligence service information to a person, that person may not further disclose that information without authorisation from the appropriate service chief.
- (7) HMRC information may not be disclosed by the Director or a relevant staff member without authorisation from HMRC Commissioners.
- (8) If the Director or a relevant staff member has disclosed HMRC information to a person, that person may not further disclose that information without authorisation from HMRC Commissioners.
- (9) Subsections (7) and (8) do not apply to national minimum wage information.
- (10) If a person contravenes subsection (7) or (8) by disclosing revenue and customs information relating to a person whose identity –
  - (a) is specified in the disclosure, or
  - (b) can be deduced from it,section 19 of the Commissioners for Revenue and Customs Act 2005 (wrongful disclosure) applies in relation to that disclosure as it applies in relation to a disclosure of such information in contravention of section 20(9) of that Act.
- (11) In this section –
  - “appropriate service chief” means –
    - (a) the Director-General of the Security Service (in the case of information obtained by the Director or a relevant staff member from that Service or a person acting on its behalf);
    - (b) the Chief of the Secret Intelligence Service (in the case of information so obtained from that Service or a person acting on its behalf);
    - (c) the Director of GCHQ (in the case of information so obtained from GCHQ or a person acting on its behalf);“GCHQ” has the same meaning as in the Intelligence Services Act 1994;
  - “HMRC information” means information disclosed to the Director or a relevant staff member under section (*Information gateways*) by HMRC Commissioners or a person acting on behalf of HMRC Commissioners;
  - “intelligence service” means –
    - (a) the Security Service;
    - (b) the Secret Intelligence Service;
    - (c) GCHQ;“intelligence service disclosure arrangements” means –
    - (a) arrangements made by the Director-General of the Security Service under section 2(2)(a) of the Security Service Act 1989 about the disclosure of information by that Service,

(b) arrangements made by the Chief of the Intelligence Service under section 2(2)(a) of the Intelligence Services Act 1994 about the disclosure of information by that Service, and

(c) arrangements made by the Director of GCHQ under section 4(2)(a) of that Act about the disclosure of information by GCHQ;

“intelligence service information” means information obtained from an intelligence service or a person acting on behalf of an intelligence service;

“national minimum wage information” means information obtained by an officer in the course of acting—

(a) for the purposes of the National Minimum Wage Act 1998 (see section 13 of that Act), or

(b) by virtue of section 24(2);

“relevant staff member” has the same meaning as in section *(Information gateways)*;

“revenue and customs information relating to a person” has the meaning given in section 19(2) of the Commissioners for Revenue and Customs Act 2005.”

#### Clause 6

LORD BATES

10 Page 5, line 17, at end insert—

“(2) The Director may request any person by whom, or by whose officers, labour market enforcement functions are exercisable to provide the Director with any non-compliance information specified or of a description specified in the request.

(3) “Non-compliance information” means information relating to non-compliance in the labour market which the Director considers would facilitate the exercise of any of his or her functions.

(4) A person by whom, or by whose officers, labour market enforcement functions are exercisable may request the Director to provide the person, or an officer of the person, with any enforcement information specified or of a description specified in the request.

(5) “Enforcement information” means information which the person making the request considers would facilitate the exercise of any labour market enforcement function of the person or of an officer of the person.

(6) A person who receives a request under this section must respond to it in writing within a reasonable period.”

#### Clause 10

LORD BATES

11 Page 6, line 42, leave out from “under” to “may” in line 43 and insert “subsection (4)(e)”

**Clause 11**

LORD BATES

- 12 Page 7, line 17, leave out “relevant person” and insert “of the following”
- 13 Page 7, line 18, at end insert “–
- (a) a chief officer of police for a police area in England and Wales;
  - (b) the Director General of the National Crime Agency;
  - (c) a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971;
  - (d) any other person prescribed or of a prescribed description.”
- 14 Page 7, leave out lines 22 and 23 and insert –
- “(3) Any of the following persons may request the Authority to provide assistance to the person –
- (a) a chief officer of police for a police area in England and Wales;
  - (b) a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971;
  - (c) any other person prescribed or of a prescribed description.”
- 15 Page 7, line 24, leave out “relevant”
- 16 Page 7, leave out lines 33 to 39
- 17 Page 7, line 40, leave out from beginning to end of line 15 on page 8 and insert –
- “( ) Regulations under this section must not make provision which would be –
- (a) within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament,
  - (b) within the legislative competence of the National Assembly for Wales if contained in an Act of that Assembly, or
  - (c) within the legislative competence of the Northern Ireland Assembly if contained in an Act of that Assembly made without the consent of the Secretary of State.”
- 18 Page 8, line 19, leave out from “22A” to end of line 20 and insert “(1)(d) or (3)(c) (regulations regarding persons whom the Authority may request to provide assistance and who may request assistance from Authority).”

**Clause 20**

LORD BATES

- 19 Page 13, line 14, at end insert “and which was made by the court or any other court in the same part of the United Kingdom as the court”

**Clause 21**

LORD BATES

- 20 Page 13, line 24, leave out paragraph (a)
- 21 Page 13, line 26, leave out “order under section 18” and insert “LME order”

- 22 Page 13, line 26, after “Wales” insert (whether made under section 16 or 18)”

**Clause 22**

LORD BATES

- 23 Page 13, line 39, leave out “on an application”

**Clause 23**

LORD BATES

- 24 Page 14, line 21, at end insert –

- “( ) The code and any revised code –
- (a) must not be issued unless a draft has been laid before Parliament, and
  - (b) comes into force on such day as the Secretary of State appoints by regulations.”

- 25 Page 14, line 22, leave out “lay before Parliament, and”

**Clause 30**

LORD BATES

- 26 Page 17, line 24, leave out subsections (1) to (3) and insert –

- “(1) Regulations under section 3 or 12 must not prescribe a requirement, function or offence if provision imposing the requirement, conferring the function or creating the offence falls within subsection (3).
- (2) Regulations under section 9 must not confer a function if provision doing so falls within subsection (3).
- (3) Provision falls within this subsection if –
- (a) it would be within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament,
  - (b) it would be within the legislative competence of the National Assembly for Wales if contained in an Act of that Assembly, or
  - (c) it would be within the legislative competence of the Northern Ireland Assembly if contained in an Act of that Assembly made without the consent of the Secretary of State.”

**Clause 31**

LORD BATES

- 27 Page 18, line 18, at end insert –

““the Director” has the meaning given by section 1;”

- 28 Page 18, line 29, at end insert –

““HMRC Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs;”

- 29 Page 18, line 36, at end insert –  
““strategy” has the meaning given by section 2;”

### Clause 32

LORD BATES

- 30 Page 19, line 6, after “person” insert “(“P”)”
- 31 Page 19, line 6, at end insert “– (a)”
- 32 Page 19, line 7, leave out “the person” and insert “P”
- 33 Page 19, line 7, leave out from “when” to end of line 16 and insert “P is disqualified from working by reason of P’s immigration status, and
- (b) at that time P knows or has reasonable cause to believe that P is disqualified from working by reason of P’s immigration status.
- (1A) For the purposes of subsection (1) a person is disqualified from working by reason of the person’s immigration status if –
- (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 doing work of that kind.”
- 34 Page 20, line 1, leave out “(1)” and insert “(1A)”

### Clause 37

LORD BATES

- 35 Page 23, line 35, at end insert –
- “(5A) It is a defence for a person charged with an offence under subsection (1) to prove that –
- (a) the person has taken reasonable steps to terminate the residential tenancy agreement, and
  - (b) the person has taken such steps within a reasonable period beginning with the time when the person first knew or had reasonable cause to believe that the premises were occupied by the adult mentioned in subsections (2) and (3).
- (5B) In determining whether subsection (5A)(a) or (b) applies to a person, the court must have regard to any guidance which, at the time in question, had been issued by the Secretary of State for the purposes of that subsection and was in force at that time.
- (5C) Guidance issued for the purposes of subsection (5A) –
- (a) must be laid before Parliament in draft before being issued, and
  - (b) comes into force in accordance with regulations made by the Secretary of State.”

- 36 Page 23, line 36, leave out “subsections (1) to (5)” and insert “subsection (1)”

**Clause 40**

LORD BATES

- 37 Page 31, line 18, leave out “(including an enactment contained in this Act)”

**Clause 42**

LORD BATES

- 38 Page 35, line 3, after “if” insert “ – (a)”

- 39 Page 35, line 5, at end insert “, and  
 (b) at that time the person knows or has reasonable cause to believe that the person is not lawfully resident in the United Kingdom.”

**Clause 49**

LORD BATES

- 40 Page 46, line 6, leave out “, or intends to make,”

- 41 Page 46, line 7, after “Act,” insert –  
 “( ) to whom a notice has been given in accordance with regulations under section 105 of the Nationality, Immigration and Asylum Act 2002 (notice of decision) of a decision to make a deportation order against that person,”

**After Clause 56**

LORD BATES

- 42 Insert the following new Clause –

**“Guidance on detention of vulnerable persons**

- (1) The Secretary of State must issue guidance specifying matters to be taken into account by a person to whom the guidance is addressed in determining –
- (a) whether a person (“P”) would be particularly vulnerable to harm if P were to be detained or to remain in detention, and
  - (b) if P is identified as being particularly vulnerable to harm in those circumstances, whether P should be detained or remain in detention.
- (2) In subsection (1) “detained” means detained under –
- (a) the Immigration Act 1971,
  - (b) section 62 of the Nationality, Immigration and Asylum Act 2002, or
  - (c) section 36 of the UK Borders Act 2007,
- and “detention” is to be construed accordingly.



- (3) A person to whom guidance under this section is addressed must take the guidance into account.
- (4) Before issuing guidance under this section the Secretary of State must lay a draft of the guidance before Parliament.
- (5) Guidance under this section comes into force in accordance with regulations made by the Secretary of State.
- (6) The Secretary of State may from time to time review guidance under this section and may revise and re-issue it.
- (7) References in this section to guidance under this section include revised guidance.”

#### **Clause 64**

LORD BATES

43 Page 57, line 3, leave out “or”

44 Page 57, line 8, at end insert “, or

- ( ) a person under the age of 18 who is unaccompanied and who –
  - (i) has leave to enter or remain in the United Kingdom, and
  - (ii) is a person of a kind specified in regulations made by the Secretary of State.”

#### **Clause 67**

LORD BATES

45 Page 58, line 3, leave out “first” and insert “transferring”

46 Page 58, line 4, leave out “another local authority” and insert “one or more other local authorities”

47 Page 58, line 5, leave out ““the second” and insert “a “receiving”

48 Page 58, line 7, leave out “The scheme” and insert “A scheme under this section”

49 Page 58, line 10, leave out “that section” and insert “section 64”

50 Page 58, line 10, leave out “those authorities” and insert “the transferring authority and each receiving authority”

51 Page 58, line 13, leave out “first authority and the second authority” and insert “transferring authority and each receiving authority under a scheme under this section”

52 Page 58, line 17, leave out “the second” and insert “each receiving”

#### **Clause 68**

LORD BATES

53 Page 59, line 1, after “to” insert “ – (i)”

- 54 Page 59, line 1, at end insert “or  
(ii) provision which may be made under section 64(6) or (10),”
- 55 Page 59, line 4, leave out “or (2)”
- 56 Page 59, line 7, leave out paragraph (b)

**After Clause 84**

LORD BATES

- 57 Insert the following new Clause –

**“Duty regarding the welfare of children**

For the avoidance of doubt, this Act does not limit any duty imposed on the Secretary of State or any person by section 55 of the Borders, Citizenship and Immigration Act 2009 (duty regarding welfare of children).”

**Clause 87**

LORD BATES

- 58 Page 68, line 35, after “containing” insert “(whether alone or with other provision)”
- 59 Page 68, line 38, at end insert –  
“( ) regulations under section (*Information gateways*),”
- 60 Page 68, line 42, leave out paragraph (e)
- 61 Page 69, line 17, after “instrument” insert “– (a)”
- 62 Page 69, line 18, after “Act” insert “, and  
( ) to which subsection (2) does not apply,”

**Clause 89**

LORD BATES

- 63 Page 70, line 2, at end insert –  
“( ) But subsection (3) does not apply to the amendments made to the Modern Slavery Act 2015 by paragraphs 26A and 27A of Schedule 2 (for the extent of which, see the amendments to section 60 of that Act made by paragraph 26D of that Schedule).”
- 64 Page 70, line 20, at end insert “, and  
( ) section 60(6) of the Modern Slavery Act 2015.”

**Before Schedule 1**

LORD BATES

65 Insert the following new Schedule –

## “SCHEDULE

## PERSONS TO WHOM DIRECTOR ETC MAY DISCLOSE INFORMATION

*Authorities with functions in connection with the labour market or the work place etc*

The Secretary of State.

HMRC Commissioners.

A person by whom, or by whose officers, labour market enforcement functions are exercisable.

The Health and Safety Executive.

An enforcing authority within the meaning of Part 1 of the Health and Safety at Work etc. Act 1974 (see section 18(7) of that Act).

An inspector appointed by such an enforcing authority (see section 19 of that Act).

An enforcement authority within the meaning of regulation 28 of the Working Time Regulations 1998 (S.I. 1998/1833).

An inspector appointed by such an enforcement authority (see Schedule 3 to those Regulations).

The Low Pay Commission.

The Pensions Regulator.

*Law enforcement and border security*

A chief officer of police for a police area in England and Wales.

A local policing body within the meaning given by section 101(1) of the Police Act 1996.

The chief constable of the British Transport Police Force.

The chief constable of the Police Service of Scotland.

The Chief Constable of the Police Service of Northern Ireland.

A person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971.

*Local government*

A county or district council in England.

A London borough council.

The Greater London Authority.

The Common Council of the City of London.

The Council of the Isles of Scilly.

A county or county borough council in Wales.

A council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.

A district council in Northern Ireland.

*Health bodies*

The Care Quality Commission.

A National Health Service trust established under section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006.

An NHS foundation trust within the meaning given by section 30 of the National Health Service Act 2006.

A Local Health Board established under section 11 of the National Health Service (Wales) Act 2006.

*Other*

The Independent Anti-slavery Commissioner.

A Northern Ireland department.”

**Schedule 1**

LORD BATES

66 Page 72, line 13, at end insert –

“6A In section 15 (information obtained by officers) –

(a) in subsection (3)(b), after “any” insert “eligible”;

(b) in subsection (4)(a), after “to any” insert “eligible”;

(c) in subsection (8), for the words from ““relevant” to “body which,” substitute ““eligible relevant authority” means any relevant authority within the meaning given by section 13(1A) which”.”

**Schedule 2**

LORD BATES

67 Page 74, line 40, at end insert –

“(b) under the heading “Offices”, at the appropriate place insert “Director of Labour Market Enforcement”.

68 Page 74, line 40, at end insert –

“*Employment Agencies Act 1973 (c. 35)*

3A (1) Section 9 of the Employment Agencies Act 1973 (inspection) is amended as follows.

(2) In subsection (4) –

(a) in paragraph (a), for the words before sub-paragraph (i) substitute “No information to which this subsection applies shall be disclosed except –”;

- (b) at the end of paragraph (a) insert “; or
- “(vii) to an officer acting by virtue of section 24 of the Immigration Act 2016 (investigative functions in connection with labour market enforcement undertakings and orders); or
  - (viii) to an officer acting for the purposes of Part 2 of the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981 for any purpose relating to that Part; or
  - (ix) to the Pensions Regulator for the purposes of the exercise of any function of the Regulator; or
  - (x) to the Care Quality Commission for the purposes of the exercise of any function of the Commission.”

(3) After subsection (4) insert –

- “(5) Subsection (4) applies to –
- (a) information obtained in the course of exercising the powers conferred by this section,
  - (b) information obtained pursuant to section 15(5A) of the National Minimum Wage Act 1998, and
  - (c) information obtained in the course of exercising powers by virtue of section 24(1) of the Immigration Act 2016 (investigative functions in connection with labour market enforcement undertakings and orders).”

69 Page 75, line 16, at end insert –

“*National Minimum Wage Act 1998 (c. 39)*

5A (1) Section 15 of the National Minimum Wage Act 1998 (information obtained by officers) is amended as follows.

(2) In subsection (1) –

- (a) after “to” insert “ –
- (a) ”;
- (b) at the end insert “, and
- (b) any information obtained by an officer acting by virtue of section 24(2) of the Immigration Act 2016 (investigative functions in connection with labour market enforcement undertakings and orders).”

(3) After subsection (5B) insert –

- “(5C) Information to which this section applies –
- (a) may be supplied by, or with the authorisation of, the Secretary of State to an officer acting by virtue of section 24 of the Immigration Act 2016 (investigative functions in connection with labour market enforcement undertakings and orders); and
  - (b) may be used by an officer so acting for any purpose for which the officer is so acting.”

- 70 Page 77, line 26, leave out paragraph (c)
- 71 Page 78, line 12, at end insert –  
“20A(1) Section 19 (information relating to gangmasters) is amended as follows.
- (2) In subsection (1) –
- (a) for the words before paragraph (a) substitute “Information to which this subsection applies –”;
- (b) for paragraph (a) substitute –
- “(a) may be supplied to any person for use for the purposes of, or for any purpose connected with, the exercise of functions under this Act,
- (aa) may be supplied to any person by whom, or by whose officers, labour market enforcement functions are exercisable for the purposes of, or for any purpose connected with, the exercise of such functions, and”.
- (3) After subsection (1) insert –
- “(1A) Subsection (1) applies to –
- (a) information held by any person for the purposes of, or for any purpose connected with, the exercise of functions under this Act, and
- (b) information held by any officer acting by virtue of section 24(3) of the Immigration Act 2016 (investigative functions in connection with labour market enforcement undertakings and orders).
- (1B) In subsection (1) “labour market enforcement functions” has the same meaning as in Chapter 1 of Part 1 of the Immigration Act 2016 (see section 3 of that Act).”
- (4) In subsection (2) –
- (a) omit “relating to the operations of a person acting as a gangmaster”;
- (b) for “(1)(b)” substitute “(1)(aa) or (b)”.
- 72 Page 78, line 13, leave out paragraph 21
- 73 Page 78, leave out lines 37 to 45 and insert –
- “(5) In paragraph 10, for sub-paragraph (2) substitute –
- “(2) Section 8(1) as it applies in relation to Northern Ireland licences is to be read as if the words “with the approval of the Secretary of State” were omitted.”
- 74 Page 79, leave out lines 3 to 5

75 Page 79, line 5, at end insert—

“(6) After paragraph 16 insert—

**“Section 19: Information relating to gangmasters**

16A (1) Section 19 as it applies in relation to Northern Ireland functions is to be read as if—

- (a) paragraph (aa) of subsection (1) (and the reference to it in subsection (2)) were omitted,
- (b) subsections (1A)(b) and (1B) were omitted, and
- (c) in subsection (2), after “Information” there were inserted the words “relating to the operations of a person acting as a gangmaster”.

(2) In this paragraph “Northern Ireland functions” means functions under this Act in connection with persons acting as gangmasters in Northern Ireland or persons acting as gangmasters in relation to work in Northern Ireland.

**Section 22A: Relationship with other agencies: requests for assistance**

16B Section 22A does not apply in relation to the Authority’s functions in connection with persons acting as gangmasters in Northern Ireland or persons acting as gangmasters in relation to work in Northern Ireland.””

76 Page 79, line 5, at end insert—

“Pensions Act 2004 (c. 35)

22A In the Pensions Act 2004, in Schedule 3 (certain permitted disclosures of restricted information held by the Pensions Regulator), at the end of the table insert—

“Director of Labour Market Enforcement or a member of staff provided to the Director under section 1(4) of the Immigration Act 2016.	Any of the Director’s functions.””
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77 Page 79, line 19, at end insert—

“26A At the beginning of Part 7, after the italic heading “Miscellaneous” insert—

**“54A Gangmasters and Labour Abuse Authority: information gateways**

- (1) A specified person may disclose information to the Gangmasters and Labour Abuse Authority (the “Authority”) or a relevant officer if the disclosure is made for the purposes of the exercise of any function of the Authority or the officer under this Act.

- (2) Information obtained by the Authority or a relevant officer in connection with the exercise of any function of the Authority or the officer under this Act may be used by the Authority or the officer in connection with the exercise of any other such function of the Authority or the officer.
  - (3) The Authority or a relevant officer may disclose to a specified person information obtained in connection with the exercise of any function of the Authority or the officer under this Act if the disclosure is made for the purposes of the exercise of any function of the specified person.
  - (4) A disclosure of information which is authorised by this section does not breach—
    - (a) an obligation of confidence owed by the person making the disclosure, or
    - (b) any other restriction on the disclosure of information (however imposed).
  - (5) But nothing in this section authorises the making of a disclosure which—
    - (a) contravenes the Data Protection Act 1998, or
    - (b) is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.
  - (6) This section does not limit the circumstances in which information may be disclosed apart from this section.
  - (7) “Specified person” means a person specified in Schedule 4A (information gateways: specified persons).
  - (8) The Secretary of State may by regulations amend Schedule 4A.
  - (9) In this section, “relevant officer” means an officer of the Authority who is acting for the purposes of Part 1 or 2 of this Act (see sections 11A and 30A).”
- 26B Omit section 55 (review of Gangmasters Licensing Authority).
- 26C In section 58 (regulations), in subsection (4), after paragraph (j) insert—  
 “(ja) regulations under section 54A(8) (power to amend Schedule 4A);”.
- 26D In section 60 (extent)—
- (a) in subsection (1), after “section 53” insert “and section 54A, and Schedule 4A, in Part 7”;
  - (b) in subsection (3), after “and 7” insert (except for section 54A and Schedule 4A).”.



78 Page 79, line 22, at end insert –

“27A After Schedule 4 insert –

“SCHEDULE 4A

Section 54A

INFORMATION GATEWAYS: SPECIFIED PERSONS

*Authorities with functions in connection with the labour market etc*

The Secretary of State.

A person by whom, or by whose officers, labour market enforcement functions (within the meaning given by section 3 of the Immigration Act 2016) are exercisable.

*Law enforcement and border security*

A chief officer of police for a police area in England and Wales.  
The chief constable of the British Transport Police Force.  
An immigration officer.

*Local government*

A county council in England or Wales.  
A county borough council in Wales.  
A district council in England.  
A London borough council.  
The Greater London Authority.  
The Common Council of the City of London.  
The Council of the Isles of Scilly.

*Health bodies*

A National Health Service trust established under section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006.  
An NHS foundation trust within the meaning given by section 30 of the National Health Service Act 2006.  
A Local Health Board established under section 11 of the National Health Service (Wales) Act 2006.

*Other*

The Independent Anti-slavery Commissioner.””

**Schedule 4**

LORD BATES

79 Page 121, line 22, at end insert –

“( ) In subsection (1)(a) –

(a) “the Immigration Acts” has the meaning given by section 61(2) of the UK Borders Act 2007, and

- (b) the reference to an offence under any of the Immigration Acts includes an offence under section 133(5) of the Criminal Justice and Immigration Act 2008 (breach of condition imposed on designated person).”

### Schedule 9

#### LORD BATES

- 80 Page 148, line 24, after “(1)” insert “Subject to sub-paragraph (1A),”
- 81 Page 148, line 35, at end insert –
- “(1A) Sub-paragraph (1B) applies in place of sub-paragraph (1) in relation to a person who is being detained under a provision mentioned in paragraph 1(1)(b) or (d) or who is liable to detention under such a provision.
- (1B) If immigration bail is granted to such a person –
- (a) subject to sub-paragraphs (2A) to (2E), it must be granted subject to an electronic monitoring condition,
- (b) if, by virtue of sub-paragraph (2A) or (2C), it is not granted subject to an electronic monitoring condition, it must be granted subject to one or more of the other conditions mentioned in sub-paragraph (1), and
- (c) if it is granted subject to an electronic monitoring condition, it may be granted subject to one or more of those other conditions.”
- 82 Page 148, line 36, after “bail” insert “granted in accordance with sub-paragraph (1) or (1B)”
- 83 Page 148, line 38, leave out sub-paragraphs (3) to (5) and insert –
- “(2A) Sub-paragraph (1B)(a) does not apply to a person who is granted immigration bail by the Secretary of State if the Secretary of State considers that to impose an electronic monitoring condition on the person would be –
- (a) impractical, or
- (b) contrary to the person’s Convention rights.
- (2B) Where sub-paragraph (2A) applies, the Secretary of State must not grant immigration bail to the person subject to an electronic monitoring condition.
- (2C) Sub-paragraph (1B)(a) does not apply to a person who is granted immigration bail by the First-tier Tribunal if the Secretary of State informs the Tribunal that the Secretary of State considers that to impose an electronic monitoring condition on the person would be –
- (a) impractical, or
- (b) contrary to the person’s Convention rights.
- (2D) Where sub-paragraph (2C) applies, the First-tier Tribunal must not grant immigration bail to the person subject to an electronic monitoring condition.

- (2E) In considering for the purposes of this Schedule whether it would be impractical to impose an electronic monitoring condition on a person, or would be impractical for a person to continue to be subject to such a condition, the Secretary of State may in particular have regard to—
- (a) any obstacles to making arrangements of the kind mentioned in paragraph 4 in relation to the person,
  - (b) the resources that are available for imposing electronic monitoring conditions on persons to whom sub-paragraph (1A) applies and for managing the operation of such conditions in relation to such persons,
  - (c) the need to give priority to the use of those resources in relation to particular categories of persons to whom that sub-paragraph applies, and
  - (d) the matters listed in paragraph 3(2) as they apply to the person.

(2F) In this Schedule “Convention rights” is to be construed in accordance with section 1 of the Human Rights Act 1998.”

84 Page 151, line 26, leave out “Where” and insert “Subject to this paragraph and to paragraphs 6A and 6B, where a”

85 Page 151, line 38, at end insert—

“(4A) The First-tier Tribunal may not exercise the power in sub-paragraph (1)(a) so as to amend an electronic monitoring condition.”

86 Page 151, line 39, leave out sub-paragraph (5)

87 Page 151, line 42, leave out “decides to exercise, or to refuse” and insert “exercises, or refuses”

88 Page 152, line 3, leave out sub-paragraphs (8) to (10)

89 Page 152, line 11, at end insert—

*“Removal etc of electronic monitoring condition: bail managed by Secretary of State*

“6A (1) This paragraph applies to a person who—

- (a) is on immigration bail—
  - (i) pursuant to a grant by the Secretary of State, or
  - (ii) pursuant to a grant by the First-tier Tribunal in a case where the Tribunal has directed that the power in paragraph 6(1) is exercisable by the Secretary of State, and
- (b) before the grant of immigration bail, was detained or liable to detention under a provision mentioned in paragraph 1(1)(b) or (d).

(2) Where the person is subject to an electronic monitoring condition, the Secretary of State—

- (a) must not exercise the power in paragraph 6(1) so as to remove the condition unless sub-paragraph (3) applies, but
- (b) if that sub-paragraph applies, must exercise that power so as to remove the condition.

(3) This sub-paragraph applies if the Secretary of State considers that—

- (a) it would be impractical for the person to continue to be subject to the condition, or

- (b) it would be contrary to that person's Convention rights for the person to continue to be subject to the condition.
- (4) If, by virtue of paragraph 2(2A) or (2C) or this paragraph, the person is not subject to an electronic monitoring condition, the Secretary of State –
  - (a) must not exercise the power in paragraph 6(1) so as to impose such a condition on the person unless sub-paragraph (5) applies, but
  - (b) if that sub-paragraph applies, must exercise that power so as to impose such a condition on the person.
- (5) This sub-paragraph applies if, having considered whether it would be impractical or contrary to the person's Convention rights to impose such a condition on the person, the Secretary of State –
  - (a) does not consider that it would be impractical to do so, and
  - (b) does not consider that it would be contrary to the person's Convention rights to do so.

*Amendment etc of electronic monitoring condition: bail managed by First-tier Tribunal*

- 6B (1) This paragraph applies to a person who –
- (a) is on immigration bail pursuant to a grant by the First-tier Tribunal in a case where the Tribunal has not directed that the power in paragraph 6(1) is exercisable by the Secretary of State, and
  - (b) before the person was granted immigration bail, was detained or liable to detention under a provision mentioned in paragraph 1(1)(b) or (d).
- (2) Where the person is subject to an electronic monitoring condition, the First-tier Tribunal –
- (a) must not exercise the power in paragraph 6(1) so as to remove the condition unless sub-paragraph (3) applies, but
  - (b) if that sub-paragraph applies, must exercise that power so as to remove the condition.
- (3) This sub-paragraph applies if the Secretary of State notifies the First-tier Tribunal that the Secretary of State considers that –
- (a) it would be impractical for the person to continue to be subject to the condition, or
  - (b) it would be contrary to that person's Convention rights for the person to continue to be subject to the condition.
- (4) If, by virtue of paragraph 2(2C) or this paragraph, the person is not subject to an electronic monitoring condition, the First-tier Tribunal –
- (a) must not exercise the power in paragraph 6(1) so as to impose such a condition on the person unless sub-paragraph (5) applies, but
  - (b) if that sub-paragraph applies, must exercise that power so as to impose such a condition on the person.
- (5) This sub-paragraph applies if the Secretary of State notifies the First-tier Tribunal that the Secretary of State –
- (a) does not consider that it would be impractical to impose such a condition on the person, and

- (b) does not consider that it would be contrary to the person's Convention rights to impose such a condition on the person."

90 Page 152, line 13, after "where" insert "– (a)"

91 Page 152, line 14, leave out "imposed by the Secretary of State"

92 Page 152, leave out lines 16 and 17

93 Page 153, line 41, at end insert ", subject to sub-paragraph (13A)"

94 Page 153, line 44, after "this" insert "is subject to sub-paragraph (13A), and"

95 Page 153, line 45, at end insert –

"(13A) The power in sub-paragraph (12) to grant bail subject to the same conditions and the duty in sub-paragraph (13) to do so do not affect the requirement for the grant of bail to comply with paragraph 2."

96 Page 154, line 30, leave out "sub-paragraph (2)" and insert "this sub-paragraph"

97 Page 154, line 33, leave out "This sub-paragraph" and insert "Sub-paragraph (1)"

98 Page 154, line 45, at end insert –

"(2A) Regulations under section 86(1) may, in particular –

- (a) make provision about the circumstances in which the power in paragraph 6(1) may or must be exercised so as to impose an electronic monitoring condition on a person to whom this sub-paragraph applies;
- (b) enable the Secretary of State to exercise a discretion in determining whether an electronic monitoring condition should be imposed on such a person, and may, in particular, do so by providing for paragraph 6A or 6B to have effect with modifications in relation to such a person.

(2B) Sub-paragraph (2A) applies to a person who –

- (a) by virtue of regulations under section 86(1) is treated as having been granted immigration bail as a result of falling within –
  - (i) sub-paragraph (2)(c), (d) or (e), or
  - (ii) sub-paragraph (2)(f) on the basis that the person had been released on bail from detention under paragraph 2 of Schedule 3 to the Immigration Act 1971,
- (b) is not treated as being subject to an electronic monitoring condition, and
- (c) is not otherwise subject to an electronic monitoring condition.

(2C) Sub-paragraph (2A) applies to a person who –

- (a) is on immigration bail pursuant to a grant before the coming into force of paragraph 2(1A) and (1B), or the coming into force of those provisions in relation to grants of that kind,
- (b) before the grant of immigration bail, was detained or liable to detention under a provision mentioned in paragraph 1(1)(b) or (d), and
- (c) is not subject to an electronic monitoring condition."

99 Page 157, line 35, leave out "(3) and (5)" and insert "(2C) and (2D)"

100 Page 157, line 38, leave out "(5)" and insert "(2C)"

- 101 Page 158, line 13, leave out “, (7), (8) and (9)” and insert “and (7)”
- 102 Page 158, line 15, after “Commission”, insert –  
 “( ) in sub-paragraph (4A) for “The First-tier Tribunal” there were substituted “The Special Immigration Appeals Commission”.
- 103 Page 158, line 16, leave out “, (6) and (10)” and insert “and (6)”
- 104 Page 158, line 17, at end insert –  
 “ Paragraph 6A(1)(a)(ii) (removal etc of electronic monitoring condition: bail managed by Secretary of State) has effect as if –  
 (a) for “the First-tier Tribunal” there were substituted “the Special Immigration Appeals Commission”, and  
 (b) for “the Tribunal” there were substituted “the Commission”.  
 Paragraph 6B (amendment etc of electronic monitoring condition: bail managed by First-tier Tribunal) has effect as if –  
 (a) in sub-paragraphs (1)(a), (2), (3), (4) and (5) for “the First-tier Tribunal” there were substituted “the Special Immigration Appeals Commission”, and  
 (b) in sub-paragraph (1)(a) for “the Tribunal” there were substituted “the Commission”.”

### Schedule 10

#### LORD BATES

- 105 Page 168, line 26, at end insert –  
 “ (1) Section 166 (regulations and orders) is amended as follows.  
 (2) In subsection (5) (regulations subject to the affirmative procedure) for the “or” at the end of paragraph (c) substitute –  
 “(ca) section 95A, or”.  
 (3) After subsection (5) insert –  
 “(5A) No regulations under paragraph 1 of Schedule 8 which make provision with respect to the powers conferred by section 95A are to be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.  
 (5B) Subsection (5A) does not apply to regulations under paragraph 1 of that Schedule which make provision of the kind mentioned in paragraph 3(a) of that Schedule.”  
 (4) In subsection (6) (regulations subject to the negative procedure) for the “or” at the end of paragraph (a) substitute –  
 “(aa) under the provision mentioned in subsection (5A) and containing regulations to which that subsection applies, or”.”

**Schedule 11**

## LORD BATES

- 106** Page 173, line 33, at end insert—  
“( ) In that sub-paragraph, in paragraph (h) for “or 36” substitute “, 35A or 35B”.”
- 107** Page 180, line 41, after “made” insert “by the Secretary of State”
- 108** Page 181, line 6, leave out “or 2A(3)(b)” and insert “, 2A(3)(b), 10A or 10B”

**Schedule 12**

## LORD BATES

- 109** Page 186, line 15, at end insert—  
“(1A) A statutory instrument containing (whether alone or with other provision) regulations under paragraph 28(6) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”
- 110** Page 186, line 16, after “containing” insert “any other”
- 111** Page 186, line 17, after “Schedule” insert “and to which sub-paragraph (1A) does not apply”

