

2001 No. 1436

IMMIGRATION

The Immigration (Restrictions on Employment) (Code of Practice) Order 2001

<i>Made</i> - - - - -	<i>7th April 2001</i>
<i>Laid before Parliament</i>	<i>11th April 2001</i>
<i>Coming into force</i> - -	<i>2nd May 2001</i>

Whereas—

(1) in pursuance of section 8A of the Asylum and Immigration Act 1996(a) (“the 1996 Act”), the Secretary of State is required to issue a code of practice as to the measures which an employer is to be expected to take, or not to take, with a view to securing that, while avoiding the commission of an offence under section 8 of the 1996 Act, he also avoids unlawful discrimination;

(2) in preparing a draft of the code of practice, the Secretary of State has consulted the Commission for Racial Equality, the Equality Commission for Northern Ireland and such organisations and bodies (including organisations or associations of organisations representative of employers or of workers) as he considers appropriate, in satisfaction of the requirements of section 8A(4) of the 1996 Act;

(3) the Secretary of State has prepared and published a draft of the code of practice and has considered representations about it which were made to him, in satisfaction of the requirements of section 8A(3) of the 1996 Act;

(4) in pursuance of section 8A(5) of the 1996 Act, the Secretary of State has laid a draft of the code of practice before each House of Parliament;

(5) in pursuance of section 8A(6) of the 1996 Act, the draft code of practice laid before each House of Parliament contains modifications to the original proposals made in the light of representations to the Secretary of State;

Now therefore, the Secretary of State, in exercise of the powers conferred upon him by section 8A of the Asylum and Immigration Act 1996, hereby makes the following Order:

1. This Order may be cited as the Immigration (Restrictions on Employment) (Code of Practice) Order 2001 and shall come into force on 2nd May 2001.

2. The Code of Practice entitled “Immigration and Asylum Act 1999—Section 22: Code of Practice for all employers on the avoidance of race discrimination in recruitment practice while seeking to prevent illegal working”, laid in draft before each House of Parliament on 19th March 2001, shall come into operation on 2nd May 2001.

Home Office
7th April 2001

Barbara Roche
Minister of State

(a) 1996 c. 49. Section 8A is inserted by section 22 of the Immigration and Asylum Act 1999 (c. 33).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation, on 2nd May 2001, the code of practice issued pursuant to section 8A of the Asylum and Immigration Act 1996 (“the 1996 Act”), as to the measures which an employer is to be expected to take, or not to take, with a view to securing that, while avoiding the commission of an offence under section 8 of the 1996 Act, he also avoids unlawful discrimination.

Section 8 of the 1996 Act provides that an employer who employs a person subject to immigration control who does not have the right to take employment shall be guilty of an offence.

A failure on the part of any person to observe a provision of the code does not of itself make him liable to any proceedings. However, the code is admissible in evidence in proceedings before industrial and employment tribunals.

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