
STATUTORY INSTRUMENTS

2016 No. 1073

FINANCIAL SERVICES AND MARKETS

**The Immigration Act 2014 (Current
Accounts) (Compliance &c) Regulations 2016**

<i>Made</i>	- - - -	<i>7th November 2016</i>
<i>Laid before Parliament</i>		<i>8th November 2016</i>
<i>Coming into force</i>	- -	<i>30th October 2017</i>

The Treasury make the following Regulations in exercise of the powers conferred on them by sections 40A(1), 40C(4) and 40G(9) of the Immigration Act 2014⁽¹⁾.

Citation, commencement and interpretation

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

(2) In these Regulations—

“the Act” means the Immigration Act 2014;

“freezing order” has the same meaning as in section 40D of the Act;

“immigration check” means an immigration check as defined in section 40A(2) of the Act;

“quarter” means—

- (a) 1st April to 30th June,
- (b) 1st July to 30th September,
- (c) 1st October to 31st December, or
- (d) 1st January to 31st March.

Immigration checks in relation to current accounts: frequency

2. A bank or building society must carry out an immigration check during each successive quarter of each year, beginning with the quarter commencing on 1st January 2018.

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

Notification by Secretary of State to a bank or building society

3.—(1) The following information is prescribed for the purposes of section 40C(4) of the Act—

- (a) the name, address and date of birth of each person in respect of whom the bank or building society which receives the notification is subject to the duty in section 40G(2) of the Act; and
- (b) in relation to each of those persons, a description of each of the accounts held with the bank or building society and operated by or for that person that is required to be closed in accordance with that duty.

(2) The Secretary of State must notify a bank or building society as mentioned in section 40C(3) of the Act by means of a website published and maintained by the Secretary of State for that purpose.

Notification by bank or building society of compliance with section 40G

4. Information provided by a bank or building society to the Secretary of State pursuant to section 40G(8) of the Act (about the steps that it has taken to comply with that section) must—

- (a) be provided before the end of the quarter in which the steps were taken (save that information about steps taken in the last two weeks of a quarter may be provided to the Secretary of State in the next quarter);
- (b) be provided by means of a website published and maintained by the Secretary of State for that purpose; and
- (c) include—
 - (i) the name of the bank or building society providing the information; and
 - (ii) the date upon which the information is provided.

David Evennett

Robert Syms

Two of the Lords Commissioners of Her Majesty's Treasury

7th November 2016

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe information, manner and form and timing requirements for the purposes of the statutory regime governing immigration checks of current accounts by banks and building societies under sections 40A to 40H of the Immigration Act 2014 (c. 22) (“the Act”). Sections 40A to 40H were inserted into the Act by section 45 of and Schedule 7 to the Immigration Act 2016 (c. 19). Accounts excluded from the regime, and additional requirements under section 40B of the Act are prescribed by the Immigration Act 2014 (Current Accounts)(Excluded Accounts and Notification Requirements) Regulations 2017.

Regulation 2 of these Regulations requires immigration checks (as defined in section 40A(2) of the Act) to be carried out by banks and building societies on a quarterly basis, beginning with the quarter that commences on 1st January 2018.

Regulation 3 prescribes the information that the Secretary of State must provide to a bank or building society to enable it to comply with its obligations under section 40G of the Act. That section requires the closure, or restriction of operation of a current account where a freezing order (made by a court) has not been applied for, has not been granted by the court, or has been discharged.

Regulation 4 requires a bank or building society to inform the Secretary of State of the steps it has taken to comply with section 40G, either during the quarter in which the steps were taken, or during the next quarter if the steps were taken within the final two weeks of a quarter. It further requires the information to be communicated by means of a website operated by the Secretary of State for that purpose. The information must include the identity of the bank or building society submitting it, and the date of submission.

An impact assessment has been produced for this instrument and is available from Her Majesty’s Treasury, 1 Horse Guards Road London SW1A 2HQ or on www.gov.uk, and is published alongside the Regulations on legislation.gov.uk.