
STATUTORY INSTRUMENTS

2017 No. 380 (C. 37)

**EMPLOYMENT
IMMIGRATION
LICENCES AND LICENSING**

The Immigration Act 2016 (Commencement No. 3 and Transitional Provision) Regulations 2017

Made - - - - *14th March 2017*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 93(6)(c) and 94(1) and (2) of the Immigration Act 2016⁽¹⁾.

Citation and interpretation

1.—(1) These Regulations may be cited as the Immigration Act 2016 (Commencement No. 3 and Transitional Provision) Regulations 2017.

(2) In these Regulations—

- (a) “the 1971 Act” means the Immigration Act 1971⁽²⁾;
- (b) “the 2016 Act” means the Immigration Act 2016.

Provisions coming into force on 6th April 2017

2. The following provisions of the 2016 Act come into force on 6th April 2017—

- (a) section 36 (Licensing Act 2003: amendments relating to illegal working); and
- (b) Schedule 4.

Transitional provision pending commencement of immigration bail

3. Where a person is at large in the United Kingdom by virtue of paragraph 21(1) of Schedule 2 to the 1971 Act⁽³⁾ (temporary admission or release from detention)—

(1) 2016 c. 19.

(2) 1971 c. 77.

(3) Paragraph 21(1) of Schedule 2 was amended by section 42(1) and (4) of the Immigration, Asylum and Nationality Act 2006 (c. 13).

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- (a) the person is to be treated for the purposes of section 192A(1) of the Licensing Act 2003⁽⁴⁾ as if the person had been granted leave to enter the United Kingdom, but
- (b) any restriction as to employment imposed under paragraph 21(1) of Schedule 2 to the 1971 Act is to be treated for those purposes as a condition of leave.

14th March 2017

Robert Goodwill
Minister of State
Home Office

(4) 2003 c. 17; section 192A was inserted by paragraph 1 of Schedule 4 to the Immigration Act 2016.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force specified provisions of the Immigration Act 2016 (“the 2016 Act”) and make transitional provision in connection with the coming into force of those provisions.

Regulation 2 sets out that section 36 of, and Schedule 4 to, the 2016 Act, which concern licences for the sale of alcohol and late night refreshment, will come into force on 6th April 2017.

Regulation 3 makes transitional provision in connection with the coming into force of those licensing provisions pending the commencement of section 61(1) and (2) of, and Schedule 10 to, the 2016 Act (immigration bail). Regulation 3 ensures that those who are on temporary admission or release from detention are treated as having leave to enter the United Kingdom and therefore entitled to carry on a licensable activity, subject to any restrictions as to employment which may be imposed as a condition of their temporary admission or release.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Immigration Act 2016 (c. 19) have been brought into force by commencement regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 13	12th July 2016	2016/603
Sections 14 to 24	25th November 2016	2016/1037
Section 25	12th July 2016	2016/603
Sections 26 to 30	25th November 2016	2016/1037
Sections 31 to 35	12th July 2016	2016/603
Section 37	1st December 2016	2016/1037
Section 38	1st December 2016	2016/1037
Section 39 (for the purpose of making subordinate legislation only)	1st November 2016	2016/1037
Section 39 (for all remaining purposes)	1st December 2016	2016/1037
Section 40 (for the purpose of making subordinate legislation only)	1st November 2016	2016/1037
Section 40 (for all remaining purposes)	1st December 2016	2016/1037
Section 41	1st December 2016	2016/1037
Section 45 (for the purpose of making subordinate legislation only)	1st November 2016	2016/1037
Sections 46 to 53	12th July 2016	2016/603
Section 54	1st December 2016	2016/1037

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 55 to 60	12th July 2016	2016/603
Sections 62 to 65	1st December 2016	2016/1037
Section 67	31st May 2016	2016/603
Sections 69 to 72	31st May 2016	2016/603
Section 75	31st May 2016	2016/603
Section 76	12th July 2016	2016/603
Sections 77 to 84	21st November 2016	2016/1037
Sections 86 to 89	12th July 2016	2016/603
Schedules 1 to 3	12th July 2016	2016/603
Schedules 5 and 6	1st December 2016	2016/1037
Schedule 7 (for the purpose of making subordinate legislation only)	1st November 2016	2016/1037
Schedule 8	1st December 2016	2016/1037
Schedule 9	12th July 2016	2016/603
Schedule 14	31st May 2016	2016/603
Schedule 15	12th July 2016	2016/603