

**EXPLANATORY MEMORANDUM TO
THE IMMIGRATION SERVICES COMMISSIONER (DESIGNATED
PROFESSIONAL BODY) (FEES) ORDER 2005**

2005 No. 348

1. This explanatory memorandum has been prepared by the Home Department and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Order sets the annual fee which must be paid by each designated professional body listed in section 86(1) of the Immigration and Asylum Act 1999 to the Immigration Services Commissioner.

3. Matters of special interest to the Joint Committee on Statutory Instruments.

3.1 None.

4. Legislative Background

4.1 This Order is made in accordance with section 86(10) and (12) of the Immigration and Asylum Act 1999.

5. Extent

5.1 This instrument applies to the United Kingdom.

6. European Convention on Human Rights

6.1 The Minister of State, Des Browne, has made the following statement regarding Human Rights:

In my view the provisions of The Immigration Services Commissioner (Designated Professional Body) (Fees) Order 2005 are compatible with the Convention rights.

7. Policy background

7.1 The Immigration Services Commissioner has a statutory duty to monitor designated professional bodies regarding the regulation of their members in the provision of immigration advice and services. Under section 86(10) of the Immigration and Asylum Act 1999 each designated professional body must pay to the Commissioner a fee to cover the costs incurred by the Commissioner in discharging his functions.

7.2 The Commissioner's most recent set of audited accounts are used to calculate the amount of regulatory activity he has devoted to each designated professional body; the fee is set to recover those costs in the following year. Fees will vary up or down,

year on year, according to how much regulatory activity the Commissioner has undertaken in relation to each body during the previous year.

7.3 This is an annual exercise. Once the Commissioner has provided the Immigration and Nationality Directorate (IND) with cost information, IND write to each designated professional body advising them of the fees each one will have to pay to the Commissioner by the end of the financial year.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument because it only affects the seven professional bodies listed in the Schedule to this Order and each one has already been advised in writing by IND of the fee for this year.

9. Contact

David Watts at the Home Office, Immigration and Nationality Directorate (020 8760 8414, david.watts@homeoffice.gsi.gov.uk) can answer any queries regarding the instrument.