

**2004 No. 802**

**IMMIGRATION**

**The Immigration Services Commissioner (Registration Fee)  
Order 2004**

<i>Made</i> - - - -	<i>16th March 2004</i>
<i>Laid before Parliament</i>	<i>18th March 2004</i>
<i>Coming into force</i> - -	<i>1st April 2004</i>

The Secretary of State, in exercise of the powers conferred upon him by section 166(3) of, and paragraph 5(1) of Schedule 6 to, the Immigration and Asylum Act 1999<sup>(a)</sup> hereby makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Immigration Services Commissioner (Registration Fee) Order 2004 and shall come into force on 1st April 2004.

**Interpretation**

2. In this Order—

“the Act” means the Immigration and Asylum Act 1999;

“level 1 adviser” means a person providing immigration advice or immigration services only in connection with —

- (a) the matters set out in paragraphs (ba)<sup>(b)</sup>, (d), (e), (f) and (g) of the definition of “relevant matters” in section 82(1) of the Act;
- (b) the matter set out in paragraph (b) of the definition of “relevant matters” in section 82(1) of the Act, but only in so far as the advice or services is in connection with an application for, or for the variation of, entry clearance or leave to enter or remain in the United Kingdom for a purpose for which entry or remaining is permitted in accordance with immigration rules.

“immigration rules” has the same meaning as the Immigration Act 1971;

“registration” means registration under section 84(2)(a) or (b) of the Act;

“continued registration” means registration to be continued under paragraph 3(1) of Schedule 6 to the Act;

“the table” means the table in the Schedule to this Order;

“relevant advisers” is to be construed in accordance with article 3.

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<sup>(a)</sup> 1999 c.33.

<sup>(b)</sup> Paragraph (ba) was inserted in to the Act by section 123 of the Nationality, Immigration and Asylum Act 2002 c.41.

### **Meaning of “relevant advisers”**

3. Relevant advisers means, in respect of —

- (a) an individual, that individual together with —
  - (i) the employees of that individual who provide immigration advice or immigration services, excluding such employees who are qualified persons under sections 84(2)(c) to (f) of the Act, or who are persons to whom section 84(4) of the Act applies; and
  - (ii) the persons who provide immigration advice or immigration services who work under the supervision of that individual and his employees, excluding such persons who are qualified persons under section 84(2)(c) to (f) of the Act, or who are persons to whom section 84(4) of the Act applies; and
- (b) a body corporate or unincorporate —
  - (i) the members and employees of that body who provide immigration advice or immigration services, excluding such members and employees who are qualified persons under section 84(2)(c) to (f) of the Act, or who are persons to whom section 84(4) of the Act applies; and
  - (ii) the persons who provide immigration advice or immigration services who work under the supervision of such members and employees, excluding such persons who are qualified persons under sections 84(2)(c) to (f) of the Act, or who are persons to whom section 84(4) of the Act applies.

### **Fees payable for registration and continued registration**

4. On an application for registration —

- (a) the fee payable by a level 1 adviser shall be £555;
- (b) the fee payable by any other person providing immigration advice or immigration services shall be the fee in column 2 of the table which applies in respect of that person’s entry in column 1 of the table.

5. On an application for continued registration —

- (a) the fee payable by a level 1 adviser shall be £555;
- (b) the fee payable by any other person providing immigration advice or immigration services shall be the fee in column 3 of the table which applies in respect of that person’s entry in column 1 of the table.

6. A person’s entry in column 1 of the table shall be determined by reference to the number of relevant advisers in respect of that person at the date of the application for registration or, as the case may be, continued registration.

### **Revocation**

7. The Immigration Services Commissioner (Registration Fee) Order 2002(a) is hereby revoked.

Home Office  
16th March 2004

*Beverley Hughes*  
Minister of State

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(a) S.I.2002/2011.

## SCHEDULE

## Article 2

### Table of Fees

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Number of relevant advisers	Fee payable for registration	Fee payable for continued registration
1 to 4	£1,700	£1,250
5 to 9	£1,900	£1,550
10 and over	£2,300	£2,050

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order replaces the Immigration Services Commissioner (Registration Fee) Order 2002 (the "2002 Order") which is revoked by article 7. This Order specifies the fees to be paid to the Immigration Services Commissioner on making an application for registration or continued registration with that Commissioner as required under Part V of the Immigration and Asylum Act 1999 ("the Act").

Articles 4(a) and 5(a) provide that the fee payable by level 1 advisers for registration or continued registration is £555. A level 1 adviser is defined by article 2.

For advisers other than level 1 advisers articles 4(b) and 5(b) replicate the fee structure set out in the 2002 Order, namely that the fee varies according to the number of members and employees, or persons working under the supervision of such members or employees, of the person applying for registration who provide immigration advice or immigration services. By virtue of article 3 such members or employees or persons working under their supervision are excluded from the total figure if they are qualified persons within the meaning of sections 84(2)(c) to (f) of the Act, or if they are persons to whom section 84(4) applies. Under column 3 of the table in the Schedule to this Order, the fee for continued registration for persons other than level 1 advisers is less than the fee for registration.

Level 1 registration has been introduced as a consequence of the coming into force on 1st April 2004 of section 123 of the Nationality, Immigration and Asylum Act 2002. The effect of section 123 is that giving advice in connection with an application for an immigration employment document will be giving immigration advice on a relevant matter for the purposes of Part V of the Act.

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