



Immigration, Asylum and Nationality Act 2006

2006 CHAPTER 13

Employment

17 Appeal

- (1) An employer to whom a penalty notice is given may appeal to the court on the ground that—
 - (a) he is not liable to the imposition of a penalty,
 - (b) he is excused payment by virtue of section 15(3), or
 - (c) the amount of the penalty is too high.
- (2) The court may—
 - (a) allow the appeal and cancel the penalty,
 - (b) allow the appeal and reduce the penalty, or
 - (c) dismiss the appeal.
- (3) An appeal shall be a re-hearing of the Secretary of State's decision to impose a penalty and shall be determined having regard to—
 - (a) the code of practice under section 19 that has effect at the time of the appeal (in so far as the appeal relates to the amount of the penalty), and
 - (b) any other matters which the court thinks relevant (which may include matters of which the Secretary of State was unaware);and this subsection has effect despite any provision of rules of court.
- (4) An appeal must be brought within the period of 28 days beginning with—
 - (a) the date specified in the penalty notice as the date upon which it is given, or
 - (b) if the employer gives a notice of objection and the Secretary of State reduces the penalty, the date specified in the notice of reduction as the date upon which it is given, or

Status: This is the original version (as it was originally enacted).

- (c) if the employer gives a notice of objection and the Secretary of State determines to take no action, the date specified in the notice of that determination as the date upon which it is given.
- (5) An appeal may be brought by an employer whether or not—
- (a) he has given a notice of objection under section 16;
 - (b) the penalty has been increased or reduced under that section.
- (6) In this section “the court” means—
- (a) where the employer has his principal place of business in England and Wales, a county court,
 - (b) where the employer has his principal place of business in Scotland, the sheriff, and
 - (c) where the employer has his principal place of business in Northern Ireland, a county court.