

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the civil penalty regime that applies for failure to comply with requirements in paragraph 27 or 27B of Schedule 2 to the Immigration Act 1971 (“IA 1971”) or section 32 of the Immigration and Nationality Act 2006 to supply or receive information.

Regulation 3 applies to a person who is required by an order under paragraph 27(2) of Schedule 2 to IA 1971 to supply information about passengers or crew on board a ship or aircraft, a person who is required under paragraph 27B(2) of Schedule 2 to IA 1971 to provide passenger or service information, and to a person who is required under paragraph 27B(8A) of Schedule 2 to IA 1971 to be able to receive communications in a form and manner directed by the Secretary of State. Where a person breaches one of the requirements specified in regulation 3, the Secretary of State may require a carrier to pay a penalty. Such a penalty may not exceed £10,000.

Regulation 4 applies to a person who is required under section 32(2) of the Immigration and Nationality Act 2006 to provide passenger or service information relating to a ship or aircraft, or to be able to receive communications relating to the information in a specified form or manner. Where a person breaches one of the requirements specified in regulation 4, the Secretary of State may require a carrier to pay a penalty. Such a penalty may not exceed £10,000.

Regulation 5 contains provision about the contents of a penalty notice. Regulations 6 to 9 deal with matters relating to objection, appeals, enforcement and service of documents.