
DRAFT STATUTORY INSTRUMENTS

2012 No.

**The Nationality, Immigration and Asylum Act
2002 (Authority to Carry) Regulations 2012**

Appeal

7.—(1) A carrier may appeal to the court against a decision to require the carrier to pay a penalty under these Regulations.

(2) On an appeal, 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—

- (a) shall be a re-hearing of the Secretary of State's decision to impose a penalty; and
- (b) may be determined having regard to matters of which the Secretary of State was unaware.

(4) Subsection (3)(a) has effect despite any provision of rules of court.

(5) 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 carrier 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
- (c) if the carrier 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.

(6) An appeal may be brought by a carrier under this regulation against a decision to require the carrier to pay a penalty whether or not the carrier has given notice of objection under regulation 5.