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DRAFT STATUTORY INSTRUMENTS

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**2013 No.**

**The Accession of Croatia (Immigration and  
Worker Authorisation) Regulations 2013**

**PART 4**

**PENALTIES AND OFFENCES**

**Unauthorised employment of accession State national - penalty for employer - appeal**

**13.**—(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 regulation 11(5); 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) any code of practice issued under regulation 11(9) 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 paragraph 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
- (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 regulation 12; or
- (b) the penalty has been increased or reduced under that regulation.

(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 sheriff court; and
- (c) where the employer has his principal place of business in Northern Ireland, a county court.