
STATUTORY INSTRUMENTS

2013 No. 1460

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

PART 4

PENALTIES AND OFFENCES

Unauthorised working by accession State national - employee offence and penalty

16.—(1) Subject to paragraph (2), an accession State national subject to worker authorisation who works in the United Kingdom during the accession period shall be guilty of an offence if he does not hold a valid accession worker authorisation document.

(2) A person guilty of an offence under this regulation shall be liable on summary conviction—

- (a) to imprisonment for a term not exceeding more than three months;
- (b) to a fine not exceeding level 5 on the standard scale; or
- (c) to both.

(3) A constable or immigration officer who has reason to believe that a person has committed an offence under this regulation may give that person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a penalty of £1000 in accordance with the notice.

(4) Where a person is given a notice under paragraph (3) in respect of an offence under this regulation—

- (a) no proceedings may be instituted for that offence before the expiration of the period of 21 days beginning with the day after the date of the notice; and
- (b) he may not be convicted of that offence if, before the expiration of that period, he pays the penalty in accordance with the notice.

(5) A notice under paragraph (3) must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence.

(6) A notice under paragraph (3) must also state—

- (a) the period during which, by virtue of paragraph (4), proceedings will not be instituted for the offence;
- (b) the amount of the penalty; and
- (c) that the penalty is payable to the Secretary of State at the address specified in the notice.

(7) Without prejudice to payment by any other method, payment of a penalty in pursuance of a notice under paragraph (3) may be made by pre-paying and posting a letter by registered post or the recorded delivery service containing the amount of the penalty (in cash or otherwise) to the Secretary of State at the address specified in the notice.

(8) Where a letter is sent in accordance with paragraph (7) payment is to be regarded as having been made at the time at which that letter would be delivered in the ordinary course of registered post or the recorded delivery service.

(9) A constable or immigration officer may withdraw a penalty notice given under paragraph (3) if the constable or immigration officer decides that—

- (a) the notice was issued in error;
- (b) the notice contains material errors; or
- (c) he has reasonable grounds to believe that the employee has committed an offence under regulation 17.

(10) A penalty notice may be withdrawn—

- (a) whether or not the period specified in paragraph (4)(a) has expired;
- (b) under paragraph (9)(a) and (b), whether or not the penalty has been paid; and
- (c) under paragraph (9)(c), only where the penalty has not yet been paid.

(11) Where a penalty notice has been withdrawn under paragraph (9)—

- (a) notice of the withdrawal must be given to the recipient; and
- (b) any amount paid by way of penalty in pursuance of that notice must be repaid to the person who paid it.

(12) Subject to paragraph (13), proceedings shall not be continued or instituted against an employee for an offence under paragraph (1) in connection with which a withdrawal notice was issued.

(13) Proceedings may be continued or instituted for an offence in connection with which a withdrawal notice was issued if—

- (a) where the withdrawal notice was withdrawn pursuant to paragraph (9)(b)—
 - (i) a further penalty notice in respect of the offence was issued at the same time as the penalty notice was withdrawn; and
 - (ii) the penalty has not been paid pursuant to that further penalty notice in accordance with paragraph (4)(a); or
- (b) the withdrawal notice was withdrawn pursuant to paragraph (9)(c).

Changes to legislation:

There are currently no known outstanding effects for the The Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013, Section 16.