

2015 No. 564

IMMIGRATION

The Immigration (Biometric Registration) (Objection to Civil Penalty) (Amendment) Order 2015

<i>Made</i>	- - - -	<i>4th March 2015</i>
<i>Laid before Parliament</i>		<i>9th March 2015</i>
<i>Coming into force</i>	- -	<i>31st March 2015</i>

The Secretary of State makes the following Order in exercise of the powers conferred by sections 10 and 14(1) and (2)(a) of the UK Borders Act 2007(a).

Citation, commencement and interpretation

1. This Order may be cited as the Immigration (Biometric Registration) (Objection to Civil Penalty) (Amendment) Order 2015 and comes into force on 31st March 2015.

2. In this Order—

“the Act” means the UK Borders Act 2007;

“the 2008 Order” means the Immigration (Biometric Registration) (Objection to Civil Penalty) Order 2008(b).

Amendment of the 2008 Order

3. The 2008 Order is amended as follows.

4. In article 7 (period of time for giving a notice of objection)—

(a) for “given to” substitute “received by”;

(b) for “thirty” substitute “32”.

5. For article 8 (period of time for Secretary of State to notify response to notice of objection) substitute—

“Period of time for Secretary of State to respond to notice of objection

8. The Secretary of State shall issue a response to a notice of objection under section 10(4) of the Act before the expiry of 32 working days beginning with the date specified on the notice of objection.”.

6. For the Schedule to the 2008 Order, substitute the Schedule set out in the Schedule to this Order.

(a) 2007 c. 30.
(b) S.I. 2008/2830.

Saving provision

7. Where a person receives a penalty notice dated before this Order comes into force, the 2008 Order continues to apply in relation to that notice as if the 2008 Order had not been amended by this Order.

Home Office
4th March 2015

James Brokenshire
Minister of State

SCHEDULE

Article 6

“SCHEDULE

Article 3



Form: BRP/CP/OBJ-1

OBJECTION TO A NOTICE OF LIABILITY TO PAY A CIVIL PENALTY FOR FAILURE TO COMPLY WITH THE BIOMETRIC REGISTRATION REGULATIONS (SECTION 10 UK BORDERS ACT 2007)

The notice of objection **must be submitted** on this form. It must be **received** by the Secretary of State within **thirty two working days** beginning with the date of the penalty notice. The address to which the objection should be sent can be found in the guidance which accompanies this form.

Further copies of this form and the accompanying guidance can be downloaded from: <https://www.gov.uk/government/publications/non-compliance-with-the-biometric-registration-regulations>

PERSONAL DETAILS¹

Civil penalty notice – reference number	
Full Name of person issued with the civil penalty notice	
Date of Birth of person issued with the civil penalty notice (dd/mm/yyyy)	
Current residential address including postcode	
Current email address ²	
Contact telephone number ³	

The first four boxes must be completed otherwise the objection may be disregarded. The last two boxes are optional.

¹ You may complete the above in English or Welsh.

² Optional – but you may find it useful to provide this information in case the team handling your objection needs to contact you.

³ Optional – but you may find it useful to provide this information in case the team handling your objection needs to contact you.

GROUNDS FOR OBJECTING TO THE CIVIL PENALTY NOTICE

In the appropriate box(es) below you must explain in writing your grounds and reasons for believing:

- that you have/your dependent child has not failed to comply with a requirement of the biometric registration regulations;
- that it is unreasonable to require you to pay the penalty imposed; and/or
- that the amount of the penalty imposed is too much.

You, or a child for whom you are responsible, have/has not failed to comply with a requirement of the biometric registration regulations.	Explain your reasons here. Please use another sheet of paper if you need to. You should provide supporting documentary evidence if possible.
It is unreasonable to require you to pay a penalty.	Explain your reasons here. Please use another sheet of paper if you need to. You should provide supporting documentary evidence if possible.
The amount of the penalty is excessive.	Explain your reasons here. Please use another sheet of paper if you need to. You should provide supporting documentary evidence if possible.

SUPPORTING EVIDENCE

Please list any supporting evidence, including evidence of ability to pay, attached to the notice of objection. Please continue on a separate sheet if necessary.

DOCUMENT Nº	DESCRIPTION OR TITLE OF ITEM, DOCUMENT OR EVIDENCE

In certain circumstances, where there is satisfactory evidence of financial hardship, payments may be paid in instalments, subject to prior agreement of the team handling your objection.

APPEAL TO COUNTY OR SHERIFF COURTS

If an appeal has already been made to the county or sheriff court, please state the name and address of the court, the date the appeal was submitted and any court reference number.

SIGNATURE OF PERSON OBJECTING TO THE CIVIL PENALTY NOTICE:

.....

DATE FORM SIGNED:

PRINT NAME:

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Immigration (Biometric Registration) (Objection to Civil Penalty) Order 2008 which sets out the prescribed matters in respect of an objection to a civil penalty issued under the biometric registration provisions of the UK Borders Act 2007. A penalty notice may be issued if a person fails to comply with a requirement of regulations made under the biometric registration provisions of that Act, for example, if the holder of a biometric immigration document fails to notify the Secretary of State that the document has been lost or stolen. This Order amends the period of time for giving a notice of objection and within which the Secretary of State must respond to a notice, these changes are in line with the re-issued Code of Practice under the biometric registration provisions of the UK Borders Act 2007. This Order also updates the objection form. A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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