
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation a code of practice entitled “Immigration and Asylum Act 1999: Level of Penalty: Code of Practice”, issued under section 32A of the Immigration and Asylum Act 1999 (c. 33) (the “1999 Act”).

The code of practice specifies matters to be considered in determining the amount of a penalty under sections 31A and 32 of the 1999 Act.

Under section 32A(B1) and (2), the Secretary of State must have regard to the code of practice when imposing a penalty under section 31A and section 32 and when considering a notice of objection against a penalty under section 35(4) of the 1999 Act.

The draft code will be published by the Stationery Office and copies may be obtained from the Stationery Office bookshops or online shop, with the final code to be available in the same way. The draft code is available at <https://www.gov.uk/government/publications/clandestine-entrant-civil-penalty-scheme> with the final code to be available in the same way. A hard copy can also be obtained free of charge by writing to BF CECPT, Border Force South East, Martello House, Shearway Business Park, Folkestone, Kent, United Kingdom, CT19 4RH.

An impact assessment has been produced in relation to this instrument. It is available from the Home Office, 2 Marsham Street, London, SW1P 4DF, and is annexed to the Explanatory Memorandum and published alongside the instrument at www.legislation.gov.uk.