Draft Regulations laid before Parliament under section 124(9)(b) of the Nationality, Immigration and Asylum Act 2002, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No.

IMMIGRATION

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

Made - - - -	***
Coming into force - -	***

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 124 of the Nationality, Immigration and Asylum Act 2002(**1**).

In accordance with section 124(9)(b) of that Act, a draft of these Regulations was laid before and approved by a resolution of each House of Parliament.

Citation, commencement and expiry

1.—(1) These Regulations may be cited as the Nationality, Immigration and Asylum Act 2002 (Authority to Carry) Regulations 2012.

(2) These Regulations come into force on the seventh day after the day on which they are made.

(3) These Regulations cease to have effect at the end of the period of seven years beginning with the day on which these Regulations come into force.

Interpretation

2.—(1) In these Regulations "the authority-to-carry scheme" means the Security and Travel Bans Authority to Carry Scheme 2012 made by the Secretary of State on the day on which these Regulations are made.

(2) A reference in these Regulations to "the court" is a reference—

(a) in England and Wales, to a county court;

(b) in Scotland, to the sheriff; and

(c) in Northern Ireland, to a county court.

(3) But—

(**1**) 2002 c.41.

(a) a county court may transfer proceedings under these Regulations to the High Court; and

(b) the sheriff may transfer proceedings under these Regulations to the Court of Session.

Requirement to pay a penalty

3.—(1) These Regulations apply if a person ("a carrier") brings a passenger to the United Kingdom and—

(a) the carrier was required by the authority-to-carry scheme to seek authority under the scheme to carry the passenger; and

(b) the carrier did not seek authority before the journey to the United Kingdom commenced, as required under the scheme or was refused authority under the scheme.

(2) The Secretary of State may require the carrier to pay a penalty of an amount not exceeding £10,000.

(3) The penalty shall be payable to the Secretary of State on demand.

(4) No penalty shall be payable where the carrier shows that the carrier has a reasonable excuse for any liability for a penalty under these Regulations.

Notification

4.—(1) If the Secretary of State decides to require a carrier to pay a penalty under these Regulations, the Secretary of State must notify the carrier of the decision.

(2) Such a notice (a "penalty notice") must—

(a) state the Secretary of State's reasons for deciding to require the carrier to pay a penalty;

(b) state the amount of the penalty;

(c) specify the date before which, and the manner in which, the penalty must be paid;

(d) include an explanation of the steps that the carrier may take if the carrier objects to the penalty; and

(e) include an explanation of the steps that the Secretary of State may take to recover any unpaid penalty.

Objection

5.—(1) Where a carrier on whom a penalty notice is served objects to the imposition of the penalty, the carrier may give a notice to the Secretary of State (a "notice of objection").

(2) A notice of objection must—

(a) be in writing;

(b) give the objector's reasons; and

(c) be given before the end of the period of 28 days beginning with the day on which the person was served with the penalty notice in respect of the penalty.

(3) Where the Secretary of State receives a notice of objection, the Secretary of State shall consider it and—

(a) cancel the penalty;

(b) reduce the penalty;

(c) increase the penalty; or

(d) determine to take no action.

(4) Where the Secretary of State considers a notice of objection, the Secretary of State shall—