



Counter-Terrorism and Security Act 2015

2015 CHAPTER 6

PART 4

AVIATION, SHIPPING AND RAIL

24 Penalty for breach of authority-to-carry scheme

- (1) The Secretary of State may make regulations imposing penalties for breaching the requirements of an authority-to-carry scheme.
- (2) Regulations under subsection (1) must identify the authority-to-carry scheme to which they refer.
- (3) Regulations under subsection (1) may in particular make provision—
 - (a) about how a penalty is to be calculated;
 - (b) about the procedure for imposing a penalty;
 - (c) about the enforcement of penalties;
 - (d) allowing for an appeal against a decision to impose a penalty;and the regulations may make different provision for different purposes.
- (4) Provision in the regulations about the procedure for imposing a penalty must provide for a carrier to be given an opportunity to object to a proposed penalty in the circumstances set out in the regulations.
- (5) The regulations must provide that no penalty may be imposed on a carrier for breaching the requirements of an authority-to-carry scheme where—
 - (a) the breach consists of a failure to provide information that the carrier has also been required to provide under paragraph 27, 27B or 27BA of Schedule 2 to the Immigration Act 1971 and—
 - (i) a penalty has been imposed on the person in respect of a failure to provide that information by virtue of regulations made under paragraph 27BB of Schedule 2 to that Act, or
 - (ii) proceedings have been instituted against the carrier under section 27 of that Act in respect of a failure to provide that information, or

Status: This is the original version (as it was originally enacted).

- (b) the breach consists of a failure to provide information that the carrier has also been required to provide under section 32 or 32A of the Immigration, Asylum and Nationality Act 2006 and—
 - (i) a penalty has been imposed on the person in respect of a failure to provide that information by virtue of regulations made under section 32B of that Act, or
 - (ii) proceedings have been instituted against the carrier under section 34 of that Act in respect of a failure to provide that information.
- (6) Any penalty paid by virtue of this section must be paid into the Consolidated Fund.
- (7) Regulations under this section are to be made by statutory instrument; and any such statutory instrument may not be made unless a draft of the instrument has been laid before each House of Parliament and approved by a resolution of each House.