



Immigration Act 2014

2014 CHAPTER 22

PART 3

ACCESS TO SERVICES ETC

CHAPTER 1

RESIDENTIAL TENANCIES

Objections, appeals and enforcement

29 Objection

- (1) The recipient of a penalty notice (“the recipient”) may object on the ground that—
 - (a) the recipient is not liable to the imposition of the penalty,
 - (b) the recipient is excused by virtue of section 24 or 26, or
 - (c) the amount of the penalty is too high.
- (2) An objection must be made by giving a notice of objection to the Secretary of State.
- (3) A notice of objection must—
 - (a) be in writing,
 - (b) give the reasons for the objection,
 - (c) be given in the prescribed manner, and
 - (d) be given before the end of the prescribed period.
- (4) In considering a notice of objection to a penalty the Secretary of State must have regard to the code of practice under section 32.
- (5) On considering a notice of objection the Secretary of State may—
 - (a) cancel the penalty,
 - (b) reduce the penalty,

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- (c) increase the penalty, or
 - (d) determine to take no action.
- (6) After reaching a decision as to how to proceed under subsection (5) the Secretary of State must—
- (a) notify the recipient of the decision (including the amount of any increased or reduced penalty) before the end of the prescribed period or such longer period as the Secretary of State may agree with the recipient, and
 - (b) if the penalty is increased, issue a new penalty notice under section 23 or (as the case may be) section 25.

30 Appeals

- (1) The recipient may appeal to the court on the ground that—
- (a) the recipient is not liable to the imposition of a penalty,
 - (b) the recipient is excused payment as a result of section 24 or 26, or
 - (c) the amount of the penalty is too high.
- (2) The court may—
- (a) allow the appeal and cancel the penalty,
 - (b) allow the appeal and reduce the penalty, or
 - (c) dismiss the appeal.
- (3) An appeal is to be a re-hearing of the Secretary of State’s decision to impose a penalty and is to be determined having regard to—
- (a) the code of practice under section 32 that has effect at the time of the appeal, and
 - (b) any other matters which the court thinks relevant (which may include matters of which the Secretary of State was unaware).
- (4) Subsection (3) has effect despite any provisions of rules of court.
- (5) An appeal may be brought only if the recipient has given a notice of objection under section 29 and the Secretary of State—
- (a) has determined the objection by issuing to the recipient the penalty notice (as a result of increasing the penalty under section 29(5)(c)),
 - (b) has determined the objection by—
 - (i) reducing the penalty under section 29(5)(b), or
 - (ii) taking no action under section 29(5)(d), or
 - (c) has not informed the recipient of a decision before the end of the period that applies for the purposes of section 29(6)(a).
- (6) An appeal must be brought within the period of 28 days beginning with the relevant date.
- (7) Where the appeal is brought under subsection (5)(a), the relevant date is the date specified in the penalty notice issued in accordance with section 29(6)(b) as the date on which it is given.
- (8) Where the appeal is brought under subsection (5)(b), the relevant date is the date specified in the notice informing the recipient of the decision for the purposes of section 29(6)(a) as the date on which it is given.

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- (9) Where the appeal is brought under subsection (5)(c), the relevant date is the date on which the period that applies for the purposes of section 29(6)(a) ends.
- (10) In this section “the court” means—
- (a) the county court, if the appeal relates to a residential tenancy agreement in relation to premises in England and Wales;
 - (b) the sheriff, if the appeal relates to a residential tenancy agreement in relation to premises in Scotland;
 - (c) a county court in Northern Ireland, if the appeal relates to a residential tenancy agreement in relation to premises in Northern Ireland.

31 Enforcement

- (1) This section applies where a sum is payable to the Secretary of State as a penalty under this Chapter.
- (2) In England and Wales the penalty is recoverable as if it were payable under an order of the county court in England and Wales.
- (3) In Scotland the penalty may be enforced in the same manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.
- (4) In Northern Ireland the penalty is recoverable as if it were payable under an order of a county court in Northern Ireland.
- (5) Where action is taken under this section for the recovery of a sum payable as a penalty under this Chapter, the penalty is—
- (a) in relation to England and Wales, to be treated for the purposes of section 98 of the Courts Act 2003 (register of judgments and orders etc) as if it were a judgment entered in the county court;
 - (b) in relation to Northern Ireland, to be treated for the purposes of Article 116 of the Judgments Enforcement (Northern Ireland) Order 1981 ([S.I. 1981/226 \(N.I. 6\)](#)) (register of judgments) as if it were a judgment in respect of which an application has been accepted under Article 22 or 23(1) of that Order.
- (6) Money paid to the Secretary of State by way of a penalty must be paid into the Consolidated Fund.