

## STATUTORY INSTRUMENTS

# 2013 No. 1460

## The Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013

### PART 4

#### PENALTIES AND OFFENCES

##### Unauthorised employment of accession State national - employer offence

**15.**—(1) A person commits an offence if he employs another (“the employee”) knowing that the employee is an accession State national subject to worker authorisation and that—

- (a) the employee is not the holder of a valid accession worker authorisation document; or
- (b) the employee is prohibited from undertaking the employment because of a condition in his accession worker authorisation document.

(2) A person guilty of an offence under this section shall be liable on summary conviction—

- (a) to imprisonment for a term not exceeding 51 weeks in England and Wales or 6 months in Scotland or Northern Ireland;
- (b) to a fine not exceeding level 5 on the standard scale; or
- (c) to both.

(3) An offence under this regulation shall be treated as—

- (a) a relevant offence for the purpose of sections 28B (search and arrest by warrant)<sup>M1</sup> and 28D (entry and search of premises)<sup>M2</sup> of the 1971 Act; and
- (b) an offence under Part 3 of that Act (criminal proceedings) for the purposes of sections 28E (entry and search of premises following arrest), 28G (searching arrested persons) and 28H (searching persons in police custody)<sup>M3</sup>.

(4) In relation to an offence committed before the commencement of section 281(5) (alteration of penalties for other summary offences)<sup>M4</sup> of the Criminal Justice Act 2003, the reference to 51 weeks in paragraph (2)(a) shall be read as a reference to 6 months.

(5) For the purposes of paragraph (1), a body (whether corporate or not) shall be treated as knowing a fact about an employee if a person who has responsibility within the body for an aspect of the employment knows the fact.

##### Marginal Citations

**M1** [Section 28B](#) was inserted by section 129 of the Immigration and Asylum Act 1999 and amended by sections 144 and 150 of the Nationality, Immigration and Asylum Act 2002.

**M2** [Section 28D](#) was inserted by section 131 of the Immigration and Asylum Act 1999 and amended by sections 144 and 150 of the Nationality, Immigration and Asylum Act 2002.

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**Changes to legislation:** There are currently no known outstanding effects for the The Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013, Section 15. (See end of Document for details)

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**M3** Sections 28E, 28G and 28H were inserted by sections 132, 134 and 135 of the Immigration and Asylum Act 1999 respectively.

**M4** 2003 c. 44.

**Changes to legislation:**

There are currently no known outstanding effects for the The Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013, Section 15.