

**Changes to legislation:** Nationality and Borders Act 2022, Paragraph 5 is up to date with all changes known to be in force on or before 17 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

## SCHEDULES

### SCHEDULE 5

#### PENALTY FOR FAILURE TO SECURE GOODS VEHICLE ETC

- 5 (1) Section 32A (level of penalty: code of practice) is amended as follows.
- (2) Before subsection (1) insert—
- “(A1) The Secretary of State must issue a code of practice specifying matters to be considered in determining the amount of a penalty under section 31A.
- (B1) The Secretary of State must have regard to the code (in addition to any other matters the Secretary of State thinks relevant)—
- (a) when imposing a penalty under section 31A, and
- (b) when considering a notice of objection under section 35(4) in relation to a penalty under section 31A.”
- (3) In subsection (2)(b), after “35(4)” insert “in relation to a penalty under section 32”.
- (4) In subsection (3) for “the code” substitute “a code under this section”.
- (5) In subsection (4) for “the draft code” substitute “a draft code”.
- (6) In subsection (5) for “the code” in the first place it occurs substitute “a code under this section”.
- (7) In subsection (6) for “the code” substitute “a code”.

#### Commencement Information

- I1** Sch. 5 para. 5 in force at Royal Assent for specified purposes, see [s. 87\(1\)\(4\)\(c\)](#)
- I2** [Sch. 5 para. 5](#) in force at 13.2.2023 for specified purposes by [S.I. 2023/33](#), [reg. 2\(1\)\(c\)\(i\)\(2\)](#) (with [reg. 4](#))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 54(6)(c) and word inserted by [2023 c. 37 s. 57\(11\)\(b\)](#)
- s. 63(2A) inserted by [2023 c. 37 s. 29\(3\)](#)
- s. 63(3)(fa)(fb) inserted by [2023 c. 37 s. 29\(4\)\(b\)](#)
- s. 63(5A)(5B) inserted by [2023 c. 37 s. 29\(5\)](#)
- s. 63(8) inserted by [2023 c. 37 s. 28\(9\)](#)
- s. 65(8A) inserted by [2023 c. 37 s. 28\(12\)](#)