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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Article 3 together with the Schedule describe how an employer will be excused from paying a penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 for either the duration or the remainder of the employment.

Article 4 together with the Schedule describe how an employer will be excused from paying a penalty under section 15 of the 2006 Act for limited periods.

Article 5 together with the Schedule provides that an employer is only excused from paying a penalty if documents have been provided prior to the commencement of employment.

Article 6 sets out requirements on an employer in relation to documents obtained by them from an employee.

Article 7 prevents employers from retaining documents for any period longer than is necessary for the purposes of satisfying article 6.

Article 8 prescribes the manner in which an objection against a penalty must be made.

Article 9 prescribes the period in which an objection must be made.

Article 10 prescribes the period within which the Secretary of State must inform the objector of her decision.

Article 11 brings into force the code of practice specifying factors to be considered by the Secretary of State in determining the amount of a penalty.

Article 12 brings into force the code of practice specifying what an employer should or should not do in order to ensure that, while avoiding liability to a penalty, and while avoiding committing an offence, he also avoids contravening race relations legislation.