
STATUTORY INSTRUMENTS

2008 No. 2830

IMMIGRATION

**The Immigration (Biometric Registration)
(Objection to Civil Penalty) Order 2008**

Made - - - - *29th October 2008*
Laid before Parliament *31st October 2008*
Coming into force - - *25th November 2008*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 10 and 14 of the UK Borders Act 2007⁽¹⁾.

Citation, commencement and interpretation

1. This Order may be cited as the Immigration (Biometric Registration) (Objection to Civil Penalty) Order 2008 and shall come into force on 25th November 2008.

2. In this Order—

“the Act” means the UK Borders Act 2007;

“working days” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971⁽²⁾ in the part of the United Kingdom where a person objecting to a penalty under section 10 of the Act resides.

Required form and contents of a notice of objection

3. Where a penalty notice is given under section 9(1) of the Act, a notice of objection to the penalty notice under section 10(1) of the Act must be given on the form set out in the Schedule to this Order.

4. The form must be completed in English or Welsh.

5. The notice of objection must include—

(a) the penalty notice reference number;

(b) the full name of the person issued with the penalty notice;

(1) 2007 c. 30.
(2) 1971 c. 80.

- (c) that person's date of birth;
- (d) that person's current residential address including postcode;
- (e) that person's signature;
- (f) the date on which the person signed the notice of objection; and
- (g) a list of any supporting evidence provided with the notice of objection.

6. Where an appeal has been brought under section 11(1) of the Act, the notice of objection must state—

- (a) the name and address of the county court or sheriff to which the grounds for appeal were submitted;
- (b) the date that the appeal was submitted; and
- (c) any court reference number.

Period of time for giving a notice of objection

7. A notice of objection under section 10(1) of the Act must be given to the Secretary of State before the expiry of thirty working days beginning with the date specified on the penalty notice.

Period of time for Secretary of State to notify response to notice of objection

8. The Secretary of State shall notify the response to a notice of objection under section 10(4) of the Act before the expiry of thirty-three working days beginning with the date that the Secretary of State received the notice of objection.

Home Office
29th October 2008

Meg Hillier
Parliamentary Under Secretary of State

SCHEDULE

Article 3



UKBA Form ICFNCP- 1

OBJECTION TO A NOTICE OF LIABILITY TO PAY A CIVIL PENALTY FOR FAILURE TO COMPLY WITH THE BIOMETRIC REGISTRATION REGULATIONS (SECTION 10 UK BORDERS ACT 2007)

The notice of objection **must be submitted** on this form. It must be sent to the Secretary of State by post within **thirty working days** beginning with the date of the penalty notice. The address to which the objection should be sent can be found in the guidance which accompanies this form.

Further copies of this form and the accompanying guidance can be downloaded from the UKBA website at: www.ukba.homeoffice.gov.uk

PERSONAL DETAILS¹

Civil Penalty Notice – reference number	
Full Name of person issued with a civil penalty notice	
Date of Birth of person issued with civil penalty notice (dd/mm/yyyy)	
Current residential address including postcode	
Current e-mail address ²	
Contact telephone number ³	

The first four boxes must be completed, otherwise the objection may be disregarded. The last two boxes are optional.

¹ To be completed in print or using black ink and in **BLOCK CAPITAL LETTERING** and In English or Welsh.

² Optional – but you may find it useful to provide this information in case the team handling your objection needs to contact you.

³ Optional – but you may find it useful to provide this information in case the team handling your objection needs to contact you.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

GROUNDINGS FOR OBJECTING TO THE CIVIL PENALTY NOTICE

<p>You, or a child for whom you are responsible, have/has not failed to comply with a requirement of the biometric registration regulations.</p>	
<p>It is unreasonable to require you to pay a penalty.</p>	
<p>The amount of the penalty is excessive.</p>	

Please continue on a separate sheet if necessary.

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SUPPORTING EVIDENCE

Please list any supporting evidence, including evidence of ability to pay, attached to the notice of objection.

DOCUMENT No	DESCRIPTION OR TITLE OF ITEM, DOCUMENT OR EVIDENCE

In certain circumstances, where there is satisfactory evidence of financial hardship, payments may be paid in instalments, subject to prior agreement of the team handling your objection.

APPEALS TO COUNTY OR SHERIFF COURTS

If an appeal has already made to the county or sheriff court, please state the name and address of the court, the date the appeal was submitted and any court reference number.

SIGNATURE OF PERSON OBJECTING TO THE CIVIL PENALTY NOTICE

DATE OF OBJECTION (DD/MM/YYYY)

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order sets out the prescribed matters in respect of an objection to a civil penalty issued under the biometric registration provisions of the UK Borders Act 2007. A penalty notice may be issued if a person fails to comply with a requirement of regulations made under the biometric registration provisions of that Act, for example, if the holder of a biometric immigration document fails to notify the Secretary of State that the document has been lost or stolen. This Order prescribes the requirements as to the form and content of the objection notice, the time period within which the notice must be given, and the time period within which the Secretary of State must respond to the notice.