



## GUIDANCE FOR APPEALING AGAINST A NOTICE OF LIABILITY TO PAY A CIVIL PENALTY FOR FAILURE TO COMPLY WITH THE BIOMETRIC REGISTRATION REGULATIONS (SECTION 11 UK BORDERS ACT 2007)

### GENERAL INSTRUCTIONS

Regardless of whether you object to the penalty, you are entitled to appeal to a County Court or Sheriff against the imposition of the civil penalty notice or its amount on one or more of the following grounds:

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

When deciding an appeal, the County Court or Sheriff will be able to review the Secretary of State's decision to impose a civil penalty, including any subsequent decision made after the Secretary of State's consideration of a written objection. The County Court or Sheriff is able to consider matters that the Secretary of State was not aware of when issuing a civil penalty notice.

Where you have already submitted an objection to a civil penalty notice, you are advised to wait for the Secretary of State's determination, which should be made within **32 working days** from the date the Secretary of State received your objection; otherwise you may incur needless court fees and other legal costs.

### ENGLAND AND WALES

If you reside in England or Wales, you must make your appeal to the County Court within **28 days** of the issue of the penalty notice or, where you have objected, within **28 days** of the determination of your objection.

You must file your appeal using Form N161, which you can obtain from any County Court Office or download it from the HM Court Service's website at: [www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk). You must submit the completed appeal form along with any associated fee. Guidance on court fees can be found on the HM Court Service website.

## NORTHERN IRELAND

If you reside in Northern Ireland, you must make your appeal to the County Court within **21 days** of the issue of the penalty notice or, where you have objected, within **21 days** of the determination of your objection.

Your written appeal must be accompanied by the appropriate fee. Guidance on court fees can be found on the Northern Ireland Court Service website at: [www.courtsni.gov.uk](http://www.courtsni.gov.uk) or by asking at or telephoning your local county court office, the address and telephone number of which can also be found on the Northern Ireland Court Service website.

## SCOTLAND

If you reside in Scotland, you must make your appeal to the Sheriff not later than **21 days** after the date you received the penalty notice or, where you have objected, not later than **21 days** after the date you received notice of the determination of your objection.

An appeal is by summary application. You are advised to seek the advice of a solicitor to assist in the making of the appeal. There is a fee for the registration of the appeal. Guidance on court fees can be found on the Scottish Court Service website at [www.scotcourts.gov.uk](http://www.scotcourts.gov.uk)

## APPEAL COSTS

You should be aware that if your appeal to the County Court or Sheriff does not succeed, you may be required to pay the reasonable costs of the Home Office in resisting your appeal. If however, your appeal is successful, the Court may order that the Home Office pay your reasonable costs of the appeal.