



Border Force

Border Force South East & Europe
Clandestine Entrants Civil Penalty Team
2nd Floor, Martello House
Shearway Road
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Email: BF.CECPT@homeoffice.gsi.gov.uk
Web: www.gov.uk/border-force

OBJECTION AND APPEALS NOTICE

Objection

You have been issued with a penalty notice (form IS11). If you wish to **object** to the penalty imposed or its amount, you must submit your objection in writing, give full reasons for the objection, and include any supporting documents. The objection and any supporting documents must be sent to the address below and must be received **within 28 days of the date of issue of the penalty notice**.

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If you cannot afford to pay the penalty, or would suffer financial hardship if you paid the penalty, you must provide written evidence demonstrating your financial situation and the impact paying the penalty would have, with your objection:

- Drivers should submit their three most recent wage slips, and bank statements;
- Companies should submit bank statements for the last six months, company accounts and profit and loss statements.

If you wish to make alternative proposals for payment, for example payment by monthly instalments, you must submit your proposals to the address above. Such proposals must be received within 28 days of the date of issue of the penalty notice.

Only evidence and supporting documents submitted together with your objection will be considered. It is not possible to consider any additional information submitted after your objection has been decided, except in the most exceptional circumstances.

Appeal

Regardless of whether you object to the penalty (in the way described above), you are entitled to appeal to a County Court against the penalty imposed or its amount. You must make the appeal to the County Court **within 28 days** of the date of issue of the penalty notice or, if you have objected, **within 28 days** of the date of the decision on your objection.

When deciding an appeal, the County Court is entitled to take into account anything the Home Office considered and anything else it thinks is relevant.

If your appeal to the County Court is unsuccessful, the court may order you to pay the Home Office a reasonable amount to cover its costs for resisting your appeal. If your appeal is successful, the court may order the Home Office to pay you a reasonable amount to cover the costs of your appeal. The Court will make this decision at the end of the appeal process.

How to appeal

1. You should make an appeal on **Form N161**, which you can get from any County Court office or online at: http://www.hmcourts-service.gov.uk/courtfinder/forms/n161_0706.pdf

There is guidance on completing **Form N161** at:

http://www.hmcourts-service.gov.uk/courtfinder/forms/n161a_0706.pdf

2. Many appeals of this type are dealt with by Canterbury County Court. Its address is:

Canterbury County Court
The Law Courts
Chaucer Road
Canterbury
Kent CT1 1ZA

Because this court is familiar with cases of this type, we believe the costs of the appeal process are usually lower at Canterbury. But you do not need to make your appeal in Canterbury. There is a County Court in most large towns and cities.

3. The addresses of courts in the UK are available online at:

<http://www.hmcourts-service.gov.uk/HMCSCourtFinder/CourtList.do>

4. Once you have decided where you want your appeal to be heard you should send that court the completed appeal form **N161** and a **cheque or postal order for £140 (sterling)**, payable to “**HMCS**”. At certain courts (for example Canterbury County Court), you can also pay in cash (pounds sterling only) when you deliver your appeal papers in person. **Do not send cash by post.**

Please ask your chosen court what form of payment or currency it will accept.

5. If you believe you cannot afford to pay the court fee, or would suffer financial hardship if you paid the court fee, HM Courts Service offers concessions on the fee if you meet certain requirements. Full details of these concessions (known as remissions) are available online at :

http://www.hmcourts-service.gov.uk/HMCSCourtFinder/GetLeaflet.do?court_leaflets_id=172

If you are not a British Citizen you:

- may only apply under concession 2 (full remission based on gross annual income); **or**
- concession 3 (part remission based on a means test);
- must give details of all the money you have in pounds sterling at the exchange rate current at the time you make your appeal; **and**
- must provide all evidence in English. Welsh courts can also accept evidence in Welsh; **or**
- must provide documents with a certified translation into English. Welsh courts can also accept certified translations into Welsh.

6. You can get more information from the Courts Service at:

The Customer Service Unit

The Court Service

5th Floor Clive House

Petty France

London SW1H 9HD

☎ 020 7189 2000

☎ 0845 456 8770

🌐 www.hmcourts-service.gov.uk