



GUIDANCE FOR COMPLETING THE FORM “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)

GENERAL INSTRUCTIONS

You **must** complete the objection form in either English or Welsh. If you submit the form in any other language, it will be disregarded.

PERSONAL DETAILS - SECTION

You **must** complete this section **in print** or using **black ink** and in **block capital lettering**.

The spaces for a current e-mail address and contact telephone number are optional.

GROUND(S) FOR OBJECTING TO THE CIVIL PENALTY NOTICE

You should complete this section in print or using black ink and in clear writing.

You **may** only object to a civil penalty notice on one or more of the following three 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.

You should submit your ground(s) for objecting to the penalty against the adjacent heading on the right hand side of the table. Do not write in the boxes on the left hand side containing the headings. Only use the box next to the specific ground(s) you want to raise.

You may continue on a separate sheet if necessary, but make the ground(s) of your objection clear by using relevant headings. You should explain in writing why your circumstances meet the particular ground for objecting to the civil penalty notice.

EXPLANATION OF GROUNDS

You, or a child for whom you are responsible, have/has not failed to comply with a requirement of the biometric registration regulations.

You should explain in detail by referring to the reasons given for the Civil Penalty how you or children for whom you are responsible have complied with the requirement. For example, if you are required to apply for an identity card for foreign nationals, you must show that you applied for the card and complied with any specified biometric enrolment process. You should provide supporting evidence where possible.

It is unreasonable to require you to pay a penalty.

You should explain why it is unreasonable for you to pay a penalty. For example if you were unable attend your appointment to enrol your biometric features because of circumstances beyond your control, or a medical emergency or bereavement in your close family. To support your case, you should provide details and substantiating evidence.

The amount of the penalty is excessive.

You should be able to explain why the penalty is excessive. For example, if the penalty was incorrectly calculated or it did not take account of extenuating circumstances, such as financial hardship. To support your case, you should provide details and substantiating evidence

The Code of Practice has guidance relating to this and some of the circumstances when a penalty may be reduced is detailed below.

Before completing your objection you should read the “Code of Practice about the Sanctions for Non-Compliance with the Biometric Registration Regulations”, which can be downloaded from the UKBA website.

SUPPORTING EVIDENCE

If you are submitting documentary evidence to support your objection, you should list each item. You should either describe the items or provide its title on the form. You should submit original documents, not copies. The Civil Penalty Compliance Team, which will consider your objection will copy your documents and return the originals to you.

EXTENUATING CIRCUMSTANCES

Financial Hardship

In certain circumstances, where you provide satisfactory evidence of financial hardship, we will consider discounting the penalty and/ or accept payments through in instalments up to a 12-month period. The types of documentary evidence to support claims of financial hardship include evidence that the objector or his dependant(s) are in receipt of:

- means tested benefits, such as housing benefits; or
- income related benefits, such as income support payments.

Households with children aged under 18

Where your objection relates to a child aged under 18, you may wish to provide supporting evidence that you were not responsible for the child at the relevant time or that you are entitled to have a discount because of the age of the child.

Other reasons

We will consider evidence of other extenuating reasons, for example a treating clinician is able to confirm in writing that you were unable to comply with the requirement at that time due to reasons beyond your control.

APPEALS TO COUNTY OR SHERIFF COURTS

If you have already appealed to the county or sheriff court, you **must** state the **name and address of the court**, the **date** you submitted the appeal and any **court reference number**.

COMPLETION OF THE FORM

The objector **must** sign and date the form. The form **should not** be signed off by a representative or someone else on behalf of the objector, **except** where the objector is incapable of signing the objection through either age or incapacity.

The completed form should be sent by post to:

Civil Penalty Compliance Team (CPCT)
BID Section
PO Box 99
Manchester
M90 3WW