

STATUTORY INSTRUMENT

S.I. No. 447 of 2003.

Immigration Act 2003 (Carrier Liability) Regulations 2003

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S.I. No. 447 of 2003
Immigration Act 2003 (Carrier Liability) Regulations 2003

I, Michael McDowell TD, Minister for Justice, Equality and Law Reform, in exercise of the powers conferred on me by section 11 of the Immigration Act 2003 (No. 26 of 2003), hereby make the following regulations:

1.—(1) These Regulations may be cited as the Immigration Act 2003 (Carrier Liability) Regulations 2003.

(2) These Regulations come into operation on 19 September 2003.

2.—(1) In these Regulations “the Act” means the Immigration Act 2003 (No. 26 of 2003).

(2) In these Regulations—

(a) a reference to a section is a reference to a section in the Act,

(b) a reference to a regulation is a reference to a regulation of these Regulations,

(c) a reference to a Schedule is a reference to a Schedule to these Regulations.

3.—The form of notice specified in Schedule 1 to these Regulations is prescribed for the purposes of section 3(1) of the Act in relation to an offence under section 2(1)(a) of the Act.

4.—The form of notice specified in Schedule 2 to these Regulations is prescribed for the purposes of section 3(1) of the Act in relation to an offence under section 2(1)(b) of the Act.

5.—The form of notice specified in Schedule 3 to these Regulations is prescribed for the purposes of section 3(1) of the Act in relation to an offence under section 2(1)(c) of the Act.

6.—The form of notice specified in Schedule 4 to these Regulations is prescribed for the purposes of section 3(1) of the Act in relation to an offence under section 2(3)(a) of the Act.

7.—The form of notice specified in Schedule 5 to these Regulations is prescribed for the purposes of section 3(1) of the Act in relation to an offence under section 2(3)(b) of the Act.

SCHEDULE 1
Immigration Act 2003
Notice of alleged offence under section 2(1)(a)

1. To: *[insert name of carrier]*
In respect of the following passenger:
Name: *[insert name]*
Nationality: *[insert nationality where known, apparent nationality to the extent that it can be ascertained, or "not known" as appropriate]*
Brought by you to: *[insert place of arrival in the State]*
On board: *[insert flight number, vessel name, vehicle registration mark etc.]*
Arriving on: *[insert date of arrival]* at: *[insert time of arrival]*
2. You are alleged to have committed an offence under section 2 of the above Act consisting of a contravention of section 2(1)(a) of that Act in that at *[insert place of arrival in the State]* on *[insert date of arrival]* you did not ensure that the passenger, a person on board a vehicle arriving in the State from *[insert place of embarkation]* and seeking (a) to land in the State or (b) to pass through the port of *[insert place of arrival in the State]* in order to travel to another State *[delete (a) or (b) as appropriate]* disembarked in compliance with directions given by *[insert name of immigration officer]*, an immigration officer.
3. (1) TAKE NOTICE, You may, during the period of 28 days beginning on the date of this notice, make to the Detective Superintendent (Administration) at Garda National Immigration Bureau, 13 - 14 Burgh Quay, Dublin 2 a payment of €1,500.
(2) No prosecution in respect of the offence alleged will be instituted during the period of 28 days and if payment is made during that period, no prosecution in respect of the alleged offence will be instituted.
(3) Failure to make payment in compliance of the terms of this notice will result in a prosecution.
(4) Persons found guilty of an offence under section 2 shall be liable on summary conviction to a fine of €3,000 for each offence.

Signed: _____
[name of immigration officer]
Date: *[insert date]*

SCHEDULE 2
Immigration Act 2003
Notice of alleged offence under section 2(1)(b)

1. To: *[insert name of carrier]*
In respect of the following passenger:
Name: *[insert name]*
Nationality: *[insert nationality where known, apparent nationality to the extent that it can be ascertained, or "not known" as appropriate]*
Brought by you to: *[insert place of arrival in the State]*
On board: *[insert flight number, vessel name, vehicle registration mark etc.]*
Arriving on: *[insert date of arrival]* at: *[insert time of arrival]*
2. You are alleged to have committed an offence under section 2 of the above Act consisting of a contravention of section 2(1)(b) of that Act in that at *[insert place of arrival in the State]* on *[insert date of arrival]* you did not ensure that the passenger, a person on board a vehicle arriving in the State from *[insert place of embarkation]* and seeking to land in the State was presented to an immigration officer for examination in respect of leave to land.
3. (1) TAKE NOTICE, You may, during the period of 28 days beginning on the date of this notice, make to the Detective Superintendent (Administration) at Garda National Immigration Bureau, 13 - 14 Burgh Quay, Dublin 2 a payment of €1,500.
(2) No prosecution in respect of the offence alleged will be instituted during the period of 28 days and if payment is made during that period, no prosecution in respect of the alleged offence will be instituted.
(3) Failure to make payment in compliance of the terms of this notice will result in a prosecution.
(4) Persons found guilty of an offence under section 2 shall be liable on summary conviction to a fine of €3,000 for each offence.

Signed: _____
[name of immigration officer]
Date: *[insert date]*

SCHEDULE 3
Immigration Act 2003
Notice of alleged offence under section 2(1)(c)

1. To: *[insert name of carrier]*
In respect of the following passenger:
Name: *[insert name]*
Nationality: *[insert nationality where known, apparent nationality to the extent that it can be ascertained, or "not known" as appropriate]*
Brought by you to: *[insert place of arrival in the State]*
On board: *[insert flight number, vessel name, vehicle registration mark etc.]*
Arriving on: *[insert date of arrival]* at: *[insert time of arrival]*
2. You are alleged to have committed an offence under section 2 of the above Act consisting of a contravention of section 2(1)(c) of that Act in that at *[insert place of arrival in the State]* _____ on the ____ day of _____
[delete all but one of [a], [b], [c] or [d] as appropriate]
 - [a]* you did not ensure that the passenger, a person seeking to pass through the State in order to travel to another state, had with him or her a valid passport or other equivalent document which establishes his or her identity,
 - [b]* you did not ensure that the passenger, a person seeking to land in the State, had with him or her a valid passport or other equivalent document which establishes his or her identity,
 - [c]* you did not ensure that the passenger, a person seeking to pass through the State in order to travel to another state, had with him or her a valid Irish transit visa,
 - [d]* you did not ensure that the passenger, a person required by law to have an Irish visa who was seeking to land in the State, had with him or her a valid Irish visa.
3. (1) TAKE NOTICE, You may, during the period of 28 days beginning on the date of this notice, make to the Detective Superintendent (Administration) at Garda National Immigration Bureau, 13 - 14 Burgh Quay, Dublin 2 a payment of €1,500.
(2) No prosecution in respect of the offence alleged will be instituted during the period of 28 days and if payment is made during that period, no prosecution in respect of the alleged offence will be instituted.
(3) Failure to make payment in compliance of the terms of this notice will result in a prosecution.
(4) Persons found guilty of an offence under section 2 shall be liable on summary conviction to a fine of €3,000 for each offence.

Signed: _____
[name of immigration officer]
Date: *[insert date]*

SCHEDULE 4
Immigration Act 2003
Notice of alleged offence under section 2(3)(a)

1. To: *[insert name of carrier]*
In respect of the following passenger:
Name: *[insert name]*
Nationality: *[insert nationality where known, apparent nationality to the extent that it can be ascertained, or "not known" as appropriate]*
Brought by you to: *[insert place of arrival in the State]*
On board: *[insert flight number, vessel name, vehicle registration mark etc.]*
Arriving on: *[insert date of arrival]* at: *[insert time of arrival]*
2. You are alleged to have committed an offence under section 2 of the above Act consisting of a contravention of section 2(3)(a) of that Act in that at *[insert place of arrival in the State]* on *[insert date of arrival]* you, being the carrier concerned of a vehicle arriving in the State from *[insert place of embarkation]*, did not, when so requested by *[insert name of immigration officer]*, an immigration officer, furnish that immigration officer with vehicle, a list specifying the name and nationality of each person carried on board the vehicle in the prescribed form.
3. (1) TAKE NOTICE, You may, during the period of 28 days beginning on the date of this notice, make to the Detective Superintendent (Administration) at Garda National Immigration Bureau, 13 - 14 Burgh Quay, Dublin 2 a payment of €1,500.
(2) No prosecution in respect of the offence alleged will be instituted during the period of 28 days and if payment is made during that period, no prosecution in respect of the alleged offence will be instituted.
(3) Failure to make payment in compliance of the terms of this notice will result in a prosecution.
(4) Persons found guilty of an offence under section 2 shall be liable on summary conviction to a fine of €3,000 for each offence.

Signed: _____
[name of immigration officer]
Date: *[insert date]*

SCHEDULE 5
Immigration Act 2003
Notice of alleged offence under section 2(3)(b)

1. To: *[insert name of carrier]*
In respect of the following passenger:
Name: *[insert name]*
Nationality: *[insert nationality where known, apparent nationality to the extent that it can be ascertained, or "not known" as appropriate]*
Brought by you to: *[insert place of arrival in the State]*
On board: *[insert flight number, vessel name, vehicle registration mark etc.]*
Arriving on: *[insert date of arrival]* at: *[insert time of arrival]*
2. You are alleged to have committed an offence under section 2 of the above Act consisting of a contravention of section 2(3)(b) of that Act in that at *[insert place of arrival in the State]* on *[insert date of arrival]* you being a carrier concerned of a vehicle arriving in the State from *[insert place of embarkation]*, did not furnish when so requested by *[insert name of immigration officer]*, an immigration officer, details of the members of the crew of the vehicle.
3. (1) TAKE NOTICE, You may, during the period of 28 days beginning on the date of this notice, make to the Detective Superintendent (Administration) at Garda National Immigration Bureau, 13 - 14 Burgh Quay, Dublin 2 a payment of €1,500.
(2) No prosecution in respect of the offence alleged will be instituted during the period of 28 days and if payment is made during that period, no prosecution in respect of the alleged offence will be instituted.
(3) Failure to make payment in compliance of the terms of this notice will result in a prosecution.
(4) Persons found guilty of an offence under section 2 shall be liable on summary conviction to a fine of €3,000 for each offence.

Signed: _____
[name of immigration officer]
Date: *[insert date]*

GIVEN under my Official Seal,
19 September 2003.

L.S.

Michael McDowell TD
Minister for Justice, Equality and Law Reform.

Explanatory Note

(This note is not part of the instrument and does not purport to be a legal interpretation)

These Regulations set out the forms of notice to be given to carriers alleged to be in breach of section 2 of the Immigration Act 2003.