



CIVIL PENALTY ACCREDITATION SCHEME

What is the Accreditation Scheme?

We recognise that since the civil penalty legislation was introduced in April 2000, many road haulage companies have put in place systems which have proved effective in preventing, or significantly reducing, clandestine entry. The Civil Penalty Accreditation Scheme has been introduced for the benefit of such companies who would, by operating in accordance with the scheme, reduce the risk of receiving penalties as vehicle owners and hirers if clandestine entrants are carried despite them having effective systems in place.

Why have we introduced this scheme?

Under the civil penalty legislation road hauliers may be liable for penalties if they carry clandestine entrants to the United Kingdom in their vehicles. Vehicle owners, hirers and drivers may individually receive penalties up to £2000 for each clandestine carried. Companies can greatly reduce the risk of carrying clandestine entrants, and can avoid penalties if such persons are carried, by properly operating effective systems that comply with the 'Prevention of Clandestine Entrants Code of Practice'. This scheme is aimed at encouraging companies not only to implement effective systems, but also to make every reasonable effort to ensure that those systems are properly operated whenever their vehicles are travelling to the UK.

How would my company qualify to join the scheme?

The scheme is open to road haulage companies of any size or nationality operating between Continental Europe and the United Kingdom. To be included in the scheme a company must be able to show that it has in place an effective system for preventing the carriage of clandestine entrants, as described in the 'Prevention of Clandestine Entrants Code of Practice'. It must also be able to show that it takes all reasonable measures to ensure the proper operation of its system, for example by regular training and monitoring of its drivers.

How can my company apply to join the scheme?

If you consider that your company has an effective system in place, you can apply to join the Accreditation

Scheme. We will assess the system you have in place and the procedures you have for ensuring its proper operation. If your system and procedures meet our requirements we can arrange for your company to be accredited under the scheme. An application form is available on our website and you will need to provide supporting documents. We may need to visit your company to discuss your system.

What happens if my company does not qualify to join the scheme?

If your company does not qualify to join the scheme because your system and procedures do not meet our requirements, we will advise on what you need to do to achieve compliance. There is no appeal against our decision but you may submit further evidence at any time.

What happens if my company does not apply to join the scheme?

The scheme is a voluntary one. Companies who do not apply to join the scheme will still be able to avoid penalties by operating an effective system and will not be disadvantaged in any way.

What are the benefits of joining the scheme?

- If clandestine entrants are discovered in your vehicles, penalties will not be imposed on your company as owner or hirer of the vehicle, provided you are operating in accordance with the scheme.
- If your company consistently operates an effective system, there will be a reduced likelihood that clandestine entrants will be carried in your vehicles.
- Delays in vehicle movement following the discovery of clandestine entrants will be reduced. We will not normally need to interview a company representative at the time of the incident because we will already have information about your system.
- You will be provided with feedback on the performance of your system. This will help you to address potential problems to avoid future incidents.

Will our drivers be able to apply for accreditation to this scheme?

No. If clandestine entrants are discovered in your vehicles we may need to interview the driver. The scheme does not prevent us from imposing penalties on drivers if they have not operated your system properly. If you employ the driver, your company will be jointly and severally liable for payment of a penalty imposed upon him/her.

Does this mean my company will never receive penalties?

No. If you do not operate in accordance with the scheme penalties may be imposed. Penalties may also be imposed if we discover that the system in place differs from the system which was accredited, or is not as effective as when the company joined the scheme. We will therefore review your accreditation on a regular basis. If clandestine entrants are discovered in your vehicles we may contact you with the details so that you can review your system. If we discover that incorrect information has been presented in order to gain accreditation to the scheme, then we reserve the right to withdraw accreditation and impose penalties on the company if clandestine entrants are carried.

What happens next?

Once you have completed the application and supplied the relevant documents we will consider your application and if we consider that your company's system meets the requirements of the scheme we will write to you to notify you of the start date of your accreditation.

Companies wishing to join the scheme should complete the application form, which can be found on our website at:

<http://www.ukba.homeoffice.gov.uk/business-sponsors/transportindustry/vehicleoperators/accreditationforhauliers/>

Completed application forms should be submitted to:

United Kingdom Border Agency
Accreditation Scheme / IS11D Team
Martello House
Shearway Road
Folkestone
Kent
CT19 4RH
United Kingdom

Tel: 00 44 (0) 1303 299 298

Fax: 00 44 (0) 1303 299 291

e-mail: civilpenaltyteam@homeoffice.gsi.gov.uk

Alternatively, application forms can be requested from our office at the address above and should be returned to the same address, with supporting documents.