

*These notes refer to the Immigration and Asylum Act 1999
(c.33) which received Royal Assent on 11 November 1999*

IMMIGRATION AND ASYLUM ACT 1999

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part II: Carriers' liability

Section 35: Procedure

126. This section requires that where the Secretary of State has decided that a person is liable for one or more penalties under section 32, he must notify him of this.
127. Subsections (3) and (4) provide that service of a penalty notice on one responsible person has the effect of service on all other persons responsible. However, subsection (5) requires the Secretary of State to take reasonable steps actually to serve the notice on the others, while the penalty remains unpaid. Subsections (6) to (9) provide for persons in receipt of a penalty notice to notify the Secretary of State by means of a "notice of objection" if the penalty is disputed. In these circumstances the Secretary of State must consider and determine whether the penalty is payable. Subsection (9) enables regulations to be made for service of notices in relation to detached trailers.
128. Where the penalty continues to be disputed, or there is a refusal to pay, it is recoverable by an action for debt, in which the Secretary of State will have to prove the penalty is due (subsection (10)).