

Changes to legislation: Immigration and Asylum Act 1999, SCHEDULE 1 is up to date with all changes known to be in force on or before 14 March 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Sections 37(6) and 42(8).

SALE OF TRANSPORTERS

Annotations:

Modifications etc. (not altering text)

- C1** S. 37 (and Sch. 1) applied (with modifications) (7.2.2001 for certain purposes and otherwise 1.3.2001) by S.I. 2001/280, [arts. 1-4](#) (with [art. 5](#))
- C2** Sch. 1 power to apply (with modifications) conferred (18.7.2012) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 124\(6\), 162\(1\)](#) (with s. 159); S.I. 2012/1887, [art. 2](#)

Leave of court required

- 1 (1) The sale of a transporter requires the leave of the court.
- (2) The court is not to give its leave except on proof—
- that the penalty [^{F1}or charge] is or was due;
 - that the person liable to pay it or any connected expenses has failed to do so; and
 - that the transporter which the Secretary of State seeks leave to sell is liable to sale.

Annotations:

Amendments (Textual)

- F1** Words in Sch. 1 para. 1(2)(a) repealed (8.12.2002 for certain purposes, 11.5.2012 in so far as not already in force) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 125, 161, 162\(1\)](#), [Sch. 8 para. 16\(2\)](#), [Sch. 9](#) (with s. 159); S.I. 2002/2811, [art. 2](#), [Sch.](#) (with [art. 4](#)), S.I. 2012/1263, [art. 2](#)

Commencement Information

- I1** Sch. 1 para. 1 partly in force; Sch. 1 para. 1 not in force at Royal Assent see s. 170(4); Sch. 1 para. 1 in force for certain purposes at 3.4.2000 by S.I. 2000/464, [art. 2](#), [Sch.](#)

Notice of proposed sale

- 2 Before applying for leave to sell a transporter, the Secretary of State must take such steps as may be prescribed—
- for bringing the proposed sale to the notice of persons whose interests may be affected by a decision of the court to grant leave; and
 - for affording to any such person an opportunity of becoming a party to the proceedings if the Secretary of State applies for leave.

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- [^{F2}2A Where the owner of a transporter is a party to an application for leave to sell it, in determining whether to give leave the court shall consider—
- (a) the extent of any hardship likely to be caused by sale,
 - (b) the extent (if any) to which the owner is responsible for the matters in respect of which the penalty notice was issued, and
 - (c) any other matter which appears to the court to be relevant (whether specific to the circumstances of the case or of a general nature).]

Annotations:

Amendments (Textual)

- F2** Sch. 1 para. 2A inserted (8.12.2002 for certain purposes, 11.5.2012 so far as not already in force) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), s. 162(1), [Sch. 8 para. 16\(3\)](#) (with s. 159); [S.I. 2002/2811](#), art. 2, Sch. (with art. 4), [S.I. 2012/1263](#), art. 2

Duty to obtain best price

- 3 If leave for sale is given, the Secretary of State must secure that the transporter is sold for the best price that can reasonably be obtained.

Annotations:

Commencement Information

- I2** Sch. 1 para. 3 partly in force; Sch. 1 para. 3 not in force at Royal Assent see s. 170(4); Sch. 1 para. 3 in force for certain purposes at 3.4.2000 by [S.I. 2000/464](#), art. 2, [Sch.](#)

Effect of failure to comply with paragraph 2 or 3

- 4 Failure to comply with any requirement of paragraph 2 or 3 in respect of any sale—
- (a) is actionable against the Secretary of State at the suit of any person suffering loss in consequence of the sale; but
 - (b) after the sale has taken place, does not affect its validity.

Annotations:

Commencement Information

- I3** Sch. 1 para. 4 partly in force; Sch. 1 para. 4 not in force at Royal Assent see s. 170(4); Sch. 1 para. 4 in force for certain purposes at 3.4.2000 by [S.I. 2000/464](#), art. 2, [Sch.](#)

Application of proceeds of sale

- 5 (1) Any proceeds of sale arising from a sale under section 37 [^{F3}or 42] must be applied—
- (a) in making prescribed payments; and
 - (b) in accordance with such provision as to priority of payments as may be prescribed.
- (2) The regulations may, in particular, provide for proceeds of sale to be applied in payment—
- (a) of customs or excise duty,

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- (b) of value added tax,
 - (c) of expenses incurred by the Secretary of State,
 - (d) of any penalty [^{F4}or charge] which the court has found to be due,
 - (e) in the case of the sale of an aircraft, of charges due as a result of regulations made under section 73 of the ^{M1}Civil Aviation Act 1982,
 - (f) of any surplus to or among the person or persons whose interests in the transporter have been divested as a result of the sale,
- but not necessarily in that order of priority.

Annotations:

Amendments (Textual)

- F3** Words in Sch. 1 para. 5(1) repealed (8.12.2002 for certain purposes, otherwise prosp.) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), ss. 125, 161, 162(1), [Sch. 8 para. 16\(4\)](#), [Sch. 9](#) (with s. 159); S.I. 2002/2811, [art. 2](#), Sch. (with art. 4)
- F4** Words in Sch. 1 para. 5(2)(d) repealed (8.12.2002 for certain purposes, otherwise prosp.) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), ss. 125, 161, 162(1), [Sch. 8 para. 16\(5\)](#), [Sch. 9](#) (with s. 159); S.I. 2002/2811, [art. 2](#), Sch. (with art. 4)

Marginal Citations

- M1** 1982 c. 16.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act amendment to earlier affecting provision S.I. 1994/1405, art. 7 by [S.I. 2007/3579 art. 3\(c\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 72(10) repealed by [2004 c. 19 Sch. 4](#)
- s. 94(2A)-(2C) inserted by [2016 c. 19 Sch. 11 para. 3\(3\)](#)
- s. 94(2D) inserted by [2016 c. 19 Sch. 11 para. 7\(4\)](#)
- s. 94(3)(3A) substituted for s. 94(3) by [2002 c. 41 s. 44\(4\)](#) (This amendment is repealed (prosp.) by [2016 c. 19, Sch. 11 para. 41](#))
- s. 94(3A)-(3D) inserted by [2016 c. 19 Sch. 11 para. 3\(5\)](#)
- s. 95A inserted by [2016 c. 19 Sch. 11 para. 9](#)
- s. 96(1A) inserted by [2016 c. 19 Sch. 11 para. 10\(3\)](#)
- s. 97(8)(9) inserted by [2016 c. 19 Sch. 11 para. 11\(4\)](#)
- s. 98A inserted by [2016 c. 19 Sch. 11 para. 13](#)
- s. 103(4)(a) words substituted by [2004 c. 19 s. 10\(4\)\(b\)](#)
- s. 103(5)(b) word substituted by [S.I. 2008/2833 Sch. 3 para. 183\(ii\)](#)
- s. 103A(1) words substituted by [2004 c. 19 s. 10\(5\)](#)
- s. 103A(1) heading words substituted by [2004 c. 19 s. 10\(5\)](#)
- s. 103A(1) words substituted by [S.I. 2008/2833 Sch. 3 para. 184](#)
- s. 125(2)(ba) inserted by [2016 c. 19 Sch. 11 para. 22\(3\)\(b\)](#)
- s. 146(2)(za) inserted by [2016 c. 19 s. 44\(9\)](#)
- s. 166(5)(ca) substituted for word in s. 166(5)(c) by [2016 c. 19 Sch. 11 para. 24\(2\)](#)
- s. 166(5A)(5B) inserted by [2016 c. 19 Sch. 11 para. 24\(3\)](#)
- s. 166(6)(aa) substituted for word in s. 166(6)(a) by [2016 c. 19 Sch. 11 para. 24\(4\)](#)
- Sch. 2 para. 21 modified by [2002 c. 41 s. 23\(2\)\(a\)](#)
- Sch. 3 para. 2(5) modified by [2002 c. 41 s. 23\(2\)\(b\)](#)