

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Immigration and Asylum Act 1999. Any changes that have already been made by the team 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—
- (a) that the penalty [^{F1}or charge] is or was due;
 - (b) that the person liable to pay it or any connected expenses has failed to do so; and
 - (c) 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- F1** Words in Sch. 1 para. 1(2)(a) repealed (8.12.2002 for certain purposes, 11.5.2012 in so far as not already in force) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [ss. 125, 161,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—
- (a) 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
 - (b) 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. 13(4A) inserted by [2018 c. 12 Sch. 19 para. 47\(3\)](#)
- 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\(2\)\(b\)](#)