



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART II

CARRIERS' LIABILITY

[^{F1}Penalties for failure to secure goods vehicle and for carrying clandestine entrants]

[^{F1}32A Level of penalty: code of practice

(1) The Secretary of State shall issue a code of practice specifying matters to be considered in determining the amount of a penalty under section 32.

[The Secretary of State must issue a code of practice specifying matters to be considered
^{F2}(A1) in determining the amount of a penalty under section 31A.

(B1) The Secretary of State must have regard to the code (in addition to any other matters the Secretary of State thinks relevant)—

- (a) when imposing a penalty under section 31A, and
- (b) when considering a notice of objection under section 35(4) in relation to a penalty under section 31A.]

(2) The Secretary of State shall have regard to the code (in addition to any other matters he thinks relevant)—

- (a) when imposing a penalty under section 32, and
- (b) when considering a notice of objection under section 35(4) [^{F3}in relation to a penalty under section 32].

(3) Before issuing [^{F4}the code][^{F4}a code under this section] the Secretary of State shall lay a draft before Parliament.

(4) After laying [^{F5}the draft code][^{F5}a draft code] before Parliament the Secretary of State may bring the code into operation by order.

(5) The Secretary of State may from time to time revise the whole or any part of [^{F6}the code][^{F6}a code under this section] and issue the code as revised.

Changes to legislation: Immigration and Asylum Act 1999, Section 32A is up to date with all changes known to be in force on or before 21 April 2024. 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) View outstanding changes

(6) Subsections (3) and (4) also apply to a revision or proposed revision of [^{F7}the code][^{F7}a code].]

Textual Amendments

- F1** S. 32A inserted (14.11.2002 for specified purposes, 8.12.2002 for specified purposes, 11.5.2012 for specified purposes, 13.2.2023 for specified purposes) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), ss. 125, 162(1), [Sch. 8 para. 3](#) (with s. 159); S.I. 2002/2811, art. 2, [Sch.](#) (with art. 4), S.I. 2012/1263, [art. 2](#); S.I. 2023/32, [art. 2\(1\)\(b\)\(2\)](#)
- F2** S. 32A(A1)(B1) inserted (28.4.2022 for specified purposes, 13.2.2023 for specified purposes) by [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(1)(4)(c), [Sch. 5 para. 5\(2\)](#); S.I. 2023/33, reg. 2(1)(c)(i)(2) (with reg. 4)
- F3** Words in s. 32A(2)(b) inserted (28.4.2022 for specified purposes, 13.2.2023 for specified purposes) by [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(1)(4)(c), [Sch. 5 para. 5\(3\)](#); S.I. 2023/33, reg. 2(1)(c)(i)(2) (with reg. 4)
- F4** Words in s. 32A(3) substituted (28.4.2022 for specified purposes, 13.2.2023 for specified purposes) by [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(1)(4)(c), [Sch. 5 para. 5\(4\)](#); S.I. 2023/33, reg. 2(1)(c)(i)(2) (with reg. 4)
- F5** Words in s. 32A(4) substituted (28.4.2022 for specified purposes, 13.2.2023 for specified purposes) by [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(1)(4)(c), [Sch. 5 para. 5\(5\)](#); S.I. 2023/33, reg. 2(1)(c)(i)(2) (with reg. 4)
- F6** Words in s. 32A(5) substituted (28.4.2022 for specified purposes, 13.2.2023 for specified purposes) by [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(1)(4)(c), [Sch. 5 para. 5\(6\)](#); S.I. 2023/33, reg. 2(1)(c)(i)(2) (with reg. 4)
- F7** Words in s. 32A(6) substituted (28.4.2022 for specified purposes, 13.2.2023 for specified purposes) by [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(1)(4)(c), [Sch. 5 para. 5\(7\)](#); S.I. 2023/33, reg. 2(1)(c)(i)(2) (with reg. 4)

Changes to legislation:

Immigration and Asylum Act 1999, Section 32A is up to date with all changes known to be in force on or before 21 April 2024. 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.

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

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

- s. 10(12) inserted by [2023 c. 37 s. 10\(6\)](#)
- s. 40(1)-(1C) substituted for s. 40(1) by [2022 c. 36 s. 76\(2\)](#)
- s. 40(4A)(4B) inserted by [2022 c. 36 s. 76\(5\)](#)
- 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(3A)(b)(iv) inserted by [2022 c. 36 s. 13\(2\)\(c\)\(ii\)](#)
- 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. 98A(5) inserted by [2022 c. 36 s. 13\(4\)](#)
- 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\(2\)\(b\)](#)