



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART II

CARRIERS' LIABILITY

Clandestine entrants

37 Effect of detention

- (1) This section applies if a transporter is detained under section 36.
- (2) The person to whom the penalty notice was addressed, or the owner or any other person claiming an interest in the transporter, may apply to the court for the transporter to be released.
- (3) The court may release the transporter if it considers that—
 - (a) satisfactory security has been tendered in place of the transporter for the payment of the penalty alleged to be due and connected expenses;
 - (b) there is no significant risk that the penalty (or one or more of the penalties) and any connected expenses will not be paid; or
 - (c) there is a significant doubt as to whether the penalty is payable and the applicant has a compelling need to have the transporter released.
- (4) If the court has not ordered the release of the transporter, the Secretary of State may sell it if the penalty in question and connected expenses are not paid before the end of the period of 84 days beginning with the date on which the detention began.
- (5) “Connected expenses” means expenses reasonably incurred by the Secretary of State in connection with the detention.
- (6) Schedule 1 applies to the sale of transporters under this section.