



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART II

CARRIERS' LIABILITY

Passengers without proper documents

42 Power to detain vehicles etc. in connection with charges under section 40

- (1) A senior officer may, pending payment of any charge imposed under section 40, detain—
 - (a) the transporter in which the person in respect of whom the charge was imposed was carried; or
 - (b) any other transporter used (on any route) in the course of providing a service of carriage of passengers by sea, air or land by the person on whom the charge was imposed.
- (2) If a transporter is detained under subsection (1) it may continue to be detained pending payment of any connected expenses.
- (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 charge alleged to be due and connected expenses;
 - (b) there is no significant risk that the charge and any connected expenses will not be paid; or
 - (c) there is a significant doubt as to whether the charge 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 charge 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.

Status: This is the original version (as it was originally enacted).

- (5) The detention of a transporter under this section is lawful even though it is subsequently established that the imposition of the charge on which the detention was based was ill-founded.
- (6) But subsection (5) does not apply if the Secretary of State was acting unreasonably in imposing the charge.
- (7) “Connected expenses” means expenses reasonably incurred by the Secretary of State in connection with the detention.
- (8) Schedule 1 applies to the sale of transporters under this section.