

Changes to legislation: Nationality, Immigration and Asylum Act 2002, Paragraph 6 is up to date with all changes known to be in force on or before 23 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

SCHEDULES

SCHEDULE 8

CARRIERS’ LIABILITY

- 6 (1) Section 34 (defence) shall be amended as follows.
- (2) For subsection (1) substitute—
- “(1) A person (“the carrier”) shall not be liable to the imposition of a penalty under section 32(2) if he has a defence under this section.”
- (3) In subsection (3)(c) omit the first “that”.
- (4) After subsection (3) insert—
- “(3A) It is also a defence for the carrier to show that—
- (a) he knew or suspected that a clandestine entrant was or might be concealed in a rail freight wagon, having boarded after the wagon began its journey to the United Kingdom;
 - (b) he could not stop the train or shuttle-train of which the wagon formed part without endangering safety;
 - (c) an effective system for preventing the carriage of clandestine entrants was in operation in relation to the train or shuttle-train; and
 - (d) on the occasion in question the person or persons responsible for operating the system did so properly.”
- (5) Omit subsection (5).
- (6) For subsection (6) substitute—
- “(6) Where a person has a defence under subsection (2) in respect of a clandestine entrant, every other responsible person in respect of the clandestine entrant is also entitled to the benefit of the defence.”

Commencement Information

- I1** Sch. 8 para. 6 partly in force; Sch. 8 para. 6 not in force at Royal Assent see s. 162(2); Sch. 8 para. 6 in force at 8.12.2002 for certain purposes by [S.I. 2002/2811](#), [art. 2](#), [Sch.](#)
- I2** Sch. 8 para. 6 in force at 11.5.2012 for specified purposes by [S.I. 2012/1263](#), [art. 2](#)
- I3** [Sch. 8 para. 6](#) in force at 13.2.2023 for specified purposes by [S.I. 2023/32](#), [art. 2\(1\)\(b\)\(2\)](#)

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

- [Blanket amendment words substituted by S.I. 2011/1043 art. 34](#)

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

- [s. 18\(1\)\(1A\) substituted for s. 18\(1\) by 2016 c. 19 Sch. 11 para. 31\(2\)](#)
- [s. 22A inserted by 2022 c. 36 s. 13\(7\)](#)
- [s. 27\(ba\) inserted by 2022 c. 36 s. 13\(10\)](#)
- [s. 51\(2\)\(d\) and word inserted by 2016 c. 19 Sch. 11 para. 26\(6\)](#)
- [s. 55\(2\)\(aa\) inserted by 2016 c. 19 Sch. 11 para. 26\(7\)](#)
- [s. 62\(3A\) inserted by 2023 c. 37 s. 11\(8\)](#)
- [s. 80A\(5A\) inserted by 2023 c. 37 s. 10\(8\)](#)
- [s. 82A inserted by 2022 c. 36 s. 23\(1\)](#)
- [s. 94\(6B\) inserted by 2006 c. 13 s. 13](#)
- [s. 106\(2\)\(ua\) inserted by 2007 c. 30 s. 19\(3\)](#)
- [s. 107\(2A\) inserted by 2022 c. 36 Sch. 3 para. 5\(a\)](#)
- [s. 126\(2A\) inserted by S.I. 2019/745 reg. 12\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). [Reg. 12\(2\)\(3\)](#) omitted immediately before IP completion day by virtue of [S.I. 2020/1309](#), regs. 1(2)(a), 48)
- [Sch. 3 para. 1\(1\)\(ga\) inserted by 2016 c. 19 Sch. 12 para. 2\(2\)](#) (This Act is amended by [S.I. 2020/1309](#), Sch. 1 para. 3(a))
- [Sch. 3 para. 1\(2A\) inserted by 2016 c. 19 Sch. 12 para. 2\(4\)](#) (This Act is amended by [S.I. 2020/1309](#), Sch. 1 para. 3(b))
- [Sch. 3 para. 1A inserted by 2016 c. 19 Sch. 12 para. 3](#)
- [Sch. 3 para. 2\(1\)\(ca\) inserted by 2016 c. 19 Sch. 12 para. 4\(3\)](#)
- [Sch. 3 para. 2A inserted by 2016 c. 19 Sch. 12 para. 5](#)
- [Sch. 3 para. 3A-3C inserted by 2016 c. 19 Sch. 12 para. 6](#)
- [Sch. 3 para. 7B7C and cross-headings inserted by 2016 c. 19 Sch. 12 para. 9](#)
- [Sch. 3 para. 10A10B inserted by 2016 c. 19 Sch. 12 para. 10](#) (This Act is amended by [S.I. 2020/1309](#), Sch. 1 para. 3(c))
- [Sch. 3 para. 15\(aa\) inserted by 2016 c. 19 Sch. 12 para. 14\(2\)](#)
- [Sch. 3 para. 15\(d\)-\(f\) inserted by 2016 c. 19 Sch. 12 para. 14\(4\)](#)
- [Sch. 3 para. 7C\(1\)\(c\) word substituted by S.I. 2019/745 reg. 12\(5\)\(d\)](#) (This amendment not applied to [legislation.gov.uk](#). [Reg. 12\(5\)\(a\)\(c\)\(d\)](#) omitted immediately before IP completion day by virtue of [S.I. 2020/1309](#), regs. 1(2)(a), 48)
- [Sch. 5 para. 3\(1\) Sch. 5 para. 3 renumbered as Sch. 5 para. 3\(1\) by 2005 c. 4 Sch. 4 para. 407\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). The "original amending provision" is already fully in force, see [Sch. 4 paras. 361, 407\(5\)](#))
- [Sch. 5 para. 3\(2\)-\(4\) inserted by 2005 c. 4 Sch. 4 para. 407\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). The "original amending provision" is already fully in force, see [Sch. 4 paras. 361, 407\(5\)](#))
- [Sch. 5 para. 3\(1\) words inserted by 2005 c. 4 Sch. 4 para. 407\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). The "original amending provision" is already fully in force, see [Sch. 4 paras. 361, 407\(5\)](#))