

Changes to legislation: Nationality and Borders Act 2022, Paragraph 7 is up to date with all changes known to be in force on or before 13 August 2023. 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 5

PENALTY FOR FAILURE TO SECURE GOODS VEHICLE ETC

- 7 (1) Section 34 (defences to claim that penalty is due under section 32) is amended as follows.
- (2) Omit subsection (3).
- (3) In subsection (3A)—
- (a) at the end of paragraph (b) insert “and”,
 - (b) for paragraph (c) substitute—
 - “(c) the carrier had taken the actions specified in regulations under subsection (3B) in relation to the securing of the wagon against unauthorised access.”, and
 - (c) omit paragraph (d).
- (4) After subsection (3A) insert—
- “(3B) The Secretary of State must specify in regulations the actions to be taken for the purposes of subsection (3A)(c) in relation to the securing of a rail freight wagon against unauthorised access.
- (3C) The actions that may be specified in regulations under subsection (3B) include, in particular—
- (a) actions in relation to checking a person has not gained unauthorised access to the wagon,
 - (b) actions in relation to the reporting of any unauthorised access to the wagon, and
 - (c) actions in relation to the keeping of records to establish that other actions specified in the regulations have been taken.
- (3D) Before making regulations under subsection (3B), the Secretary of State must consult such persons as the Secretary of State considers appropriate.”
- (5) Omit subsection (4).

Commencement Information

- 11** Sch. 5 para. 7 in force at Royal Assent for specified purposes, see [s. 87\(1\)\(4\)\(c\)](#)
- 12** [Sch. 5 para. 7\(1\)\(2\)\(5\)](#) in force at 13.2.2023 for specified purposes by [S.I. 2023/33](#), [reg. 2\(1\)\(c\)\(ii\)\(2\)](#) (with [reg. 4](#))

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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. 54(6)(c) and word inserted by [2023 c. 37 s. 57\(11\)\(b\)](#)
- s. 63(2A) inserted by [2023 c. 37 s. 29\(3\)](#)
- s. 63(3)(fa)(fb) inserted by [2023 c. 37 s. 29\(4\)\(b\)](#)
- s. 63(5A)(5B) inserted by [2023 c. 37 s. 29\(5\)](#)
- s. 63(8) inserted by [2023 c. 37 s. 28\(9\)](#)
- s. 65(8A) inserted by [2023 c. 37 s. 28\(12\)](#)