

**2001 No. 311**

**IMMIGRATION AND ASYLUM**

**The Carriers' Liability (Clandestine Entrants and Sale of Transporters) (Amendment) Regulations 2001**

*Made* - - - - - *7th February 2001*

*Laid before Parliament* *8th February 2001*

*Coming into force* - - *1st March 2001*

The Secretary of State, in exercise of his powers under sections 32(2) and (3), 35(7) and (8), 36(2), 166(3) and 167(1)(a) of, and paragraphs 2 and 5 of Schedule 1 to, the Immigration and Asylum Act 1999(b), hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Carriers' Liability (Clandestine Entrants and Sale of Transporters) (Amendment) Regulations 2001, and shall come into force on 1st March 2001.

(2) In these Regulations, "the principal Regulations" means the Carriers' Liability (Clandestine Entrants and Sale of Transporters) Regulations 2000(c).

**Amendment of the Carriers' Liability (Clandestine Entrants and Sale of Transporters) Regulations 2000**

2.—(1) The principal Regulations shall be amended as follows.

(2) After regulation 2, insert—

**'Application to rail freight**

2A.—(1) In this regulation, "the rail freight Regulations" means the Carriers' Liability (Clandestine Entrants) (Application to Rail Freight) Regulations 2001(d).

(2) To the extent (and with the modification) set out in the Schedule to these Regulations, these Regulations apply in relation to a penalty imposed under section 32 of the Act as applied by regulations 3 and 4 of the rail freight Regulations(e).

(3) Where these Regulations apply in accordance with paragraph (2), any reference in these Regulations to a provision of the Act is to that provision as applied (with or without modification) by the rail freight Regulations.'

(3) At the end of the principal Regulations, insert—

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(a) See definition of "prescribed".

(b) 1999 c. 33; as applied by S.I. 2001/280, for the purpose of enabling penalties to be imposed in respect of certain persons who arrive in the United Kingdom concealed in a rail freight wagon.

(c) S.I. 2000/685.

(d) S.I. 2001/280.

(e) By virtue of regulations 3 and 4, a railway operator may be liable to a penalty in relation to a person who (a) arrives in the United Kingdom concealed in a rail freight wagon, and (b) claims, or indicates that he intends to seek, asylum in the United Kingdom or evades, or attempts to evade, immigration control.

APPLICATION TO RAIL FREIGHT

1. Subject to the modification set out in paragraph 2 below, the following provisions of these Regulations apply—
  - regulation 2;
  - regulation 3;
  - regulation 4;
  - regulation 6;
  - regulation 8 (except paragraphs (1)(b)(ii) and (2)(b));
  - regulation 9 (except paragraph (1)(c)(ii));
  - regulation 10 (except paragraph (d));
  - regulation 11.
2. In regulation 2, replace “section 32(1)” by “section 39(1)”.

Home Office  
7th February 2001

*Barbara Roche*  
Minister of State

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Carriers' Liability (Clandestine Entrants and Sale of Transporters) Regulations 2000 (S.I. 2000/685), which concern the penalty for carrying clandestine entrants established by, and the sale of transporters under, Part II of the Immigration and Asylum Act 1999. The amendments are made in consequence of the extension of that penalty to the carriage of clandestine entrants in rail freight wagons: see the Carriers' Liability (Clandestine Entrants) (Application to Rail Freight) Regulations 2001 (S.I. 2001/280), which are made under section 39 of the Act.

For the purposes of the extension of the penalty to rail freight, these Regulations apply the provisions of S.I. 2000/685 concerning—

- the amount of the penalty;
- the periods of time within which a penalty must be paid and a notice of objection must be given;
- the notice of a proposed sale of a transporter;
- the application of the proceeds of sale; and
- the service of documents.

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