

2001 No. 312

IMMIGRATION AND ASYLUM

The Carriers' Liability (Clandestine Entrants) (Code of Practice for Rail Freight) Order 2001

Made - - - - - 7th February 2001

Laid before Parliament 8th February 2001

Coming into force - - 1st March 2001

Whereas—

- (1) in pursuance of section 33 of the Immigration and Asylum Act 1999(a) (“the 1999 Act”), as applied by the Carriers' Liability (Clandestine Entrants) (Application to Rail Freight) Regulations 2001(b) (“the rail freight Regulations”), the Secretary of State is required to issue a code of practice to be followed by any person operating a system for preventing the carriage of clandestine entrants by rail freight wagons;
- (2) by virtue of regulation 1(2) of the rail freight Regulations, those Regulations are now in force for the purpose of enabling the exercise of the power to bring into operation such a code of practice;
- (3) as required by section 33(2) of the 1999 Act, the Secretary of State has—
 - (a) consulted such persons as he considers appropriate about the code of practice; and
 - (b) laid a draft of the code of practice before each House of Parliament;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 33 of the Immigration and Asylum Act 1999, hereby makes the following Order:

1. This Order may be cited as the Carriers' Liability (Clandestine Entrants) (Code of Practice for Rail Freight) Order 2001, and shall come into force on 1st March 2001.

2. The code of practice entitled “Civil Penalty: Code of Practice for Rail Freight Wagons”, which was laid in draft before each House of Parliament on 6th February 2001 and concerns the practice to be followed by any person operating a system for preventing the carriage of clandestine entrants concealed in rail freight wagons, shall come into operation on 1st March 2001.

Home Office
7th February 2001

Barbara Roche
Minister of State

(a) 1999 c. 33.

(b) S.I. 2001/280, which apply certain provisions of Part II of the 1999 Act (in some cases with modification) for the purposes of enabling penalties to be imposed in respect of certain persons who arrive in the United Kingdom concealed in a rail freight wagon.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation on 1st March 2001 the Code of Practice issued pursuant to section 33 of the Immigration and Asylum Act 1999, as applied by the Carriers' Liability (Clandestine Entrants) (Application to Rail Freight) Regulations 2001 (S.I. 2001/280). This Code of Practice is to be followed by any person operating a system for preventing the carriage of clandestine entrants by rail freight wagons, and is to be taken into account in determining whether a person who has transported clandestine entrants was operating an effective system for preventing their carriage, and accordingly has a defence to the penalty under section 34 of the Act.

A Code of Practice in respect of the prevention of the carriage of clandestine entrants by road vehicles was brought into operation on 3rd April 2000, by the Carriers' Liability (Clandestine Entrants) (Code of Practice) Order 2000 (S.I. 2000/684).

Copies of both Codes of Practice may be obtained from: Miss S. Hoddell, Civil Penalty Central Administration Unit, Status 2, 6 Nobel Drive, Harlington, Hayes, Middlesex UB3 5EY; or by e-mail from: CivilPenaltyUnit@homeoffice.gsi.gov.uk. The Codes are also available on the Home Office website (www.ind.homeoffice.gov.uk).

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