



# Immigration and Asylum Act 1999

## 1999 CHAPTER 33

### PART II

#### CARRIERS' LIABILITY

##### *Interpretation*

#### 43 Interpretation of Part II.

[<sup>F1</sup>(1)] In this Part—

“aircraft” includes hovercraft;

“captain” means the master of a ship or commander of an aircraft;

“concealed” includes being concealed in any freight, stores or other thing carried in or on the vehicle, ship [<sup>F2</sup>, aircraft or rail freight wagon] concerned;

<sup>F3</sup>  
.....

“detached trailer” means a trailer, semi-trailer, caravan or any other thing which is designed or adapted for towing by a vehicle but which has been detached for transport—

(a) in or on the vehicle concerned; or

(b) in the ship or aircraft concerned (whether separately or in or on a vehicle);

“equipment”, in relation to an aircraft, includes—

(a) any certificate of registration, maintenance or airworthiness of the aircraft;

(b) any log book relating to the use of the aircraft; and

(c) any similar document;

[<sup>F4</sup>“freight shuttle wagon” means a wagon which—

(a) forms part of a shuttle-train, and

(b) is designed to carry commercial goods vehicles;

“freight train” means any train other than—

(a) a train engaged on a service for the carriage of passengers, or

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(b) a shuttle-train;]

[<sup>F5</sup>“goods vehicle” means—

(a) a mechanically propelled vehicle which—

(i) is designed or adapted solely or principally to be used for the carriage or haulage of goods, and

(ii) at the time in question, is being used for a commercial purpose, or

(b) any trailer, semi-trailer or other thing which—

(i) is designed or adapted to be towed by a vehicle within paragraph (a)(i), and

(ii) at the time in question, is being used for a commercial purpose;]

“hirer”, in relation to a vehicle, means any person who has hired the vehicle from another person;

“operating weight”, in relation to an aircraft, means the maximum total weight of the aircraft and its contents at which the aircraft may take off anywhere in the world, in the most favourable circumstances, in accordance with the certificate of airworthiness in force in respect of the aircraft;

“owner” includes—

(a) in relation to a ship or aircraft, the agent or operator of the ship or aircraft;

(b) <sup>F6</sup>.....

in relation to a transporter which is the subject of a hire-purchase agreement, includes the person in possession of it under that agreement;

“penalty notice” has the meaning given in section 35(2);

[<sup>F7</sup>“rail freight wagon” means—

(a) any rolling stock, other than a locomotive, which forms part of a freight train, or

(b) a freight shuttle wagon,

and for the purpose of this definition, “rolling stock” and “locomotive” have the meanings given by section 83 of the Railways Act 1993 (c.43);]

“senior officer” means an immigration officer not below the rank of chief immigration officer;

“ship” includes every description of vessel used in navigation;

[<sup>F8</sup>“shuttle-train” has the meaning given by section 1(9) of the Channel Tunnel Act 1987 (c. 53);]

“small aircraft” means an aircraft which has an operating weight of less than 5,700 kilogrammes;

“small ship” means a ship which has a gross tonnage of less than 500 tonnes;

“train” means a train which—

(a) is engaged on an international service as defined by section 13(6) of the <sup>M1</sup>Channel Tunnel Act 1987; but

(b) is not a shuttle train as defined by section 1(9) of that Act;

“train operator”, in relation to a person arriving in the United Kingdom on a train, means the operator of trains who embarked that person on that train for the journey to the United Kingdom;

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“transporter” means a vehicle [<sup>F9</sup>(including a goods vehicle)], ship [<sup>F10</sup>, aircraft or rail freight wagon] together with—

- (a) its equipment; and
- (b) any stores for use in connection with its operation;

“vehicle” includes a trailer, semi-trailer, caravan or other thing which is designed or adapted to be towed by another vehicle.

[<sup>F11</sup>(1A) References in this Part to the securing of a goods vehicle against unauthorised access include references to the securing of any container which is being carried by a goods vehicle against unauthorised access.

(1B) In subsection (1A) “container” means any container or other thing which is designed or adapted to be carried by a goods vehicle.]

[<sup>F12</sup>(2) A reference in this Part to “the court” is a reference—

- (a) in England and Wales, to [<sup>F13</sup>the county court],
- (b) in Scotland, to the sheriff, and
- (c) in Northern Ireland, to a county court.

(3) But—

- (a) a county court [<sup>F14</sup>in Northern Ireland, or the county court in England and Wales,] may transfer proceedings under this Part to the High Court, and
- (b) the sheriff may transfer proceedings under this Part to the Court of Session.]

#### Textual Amendments

- F1** S. 43 renumbered (8.12.2002) as s. 43(1) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), s. 125, [Sch. 8 para. 15](#) (with s. 159); S.I. 2002/2811, [art. 2](#), Sch.
- F2** S. 43(1): words in definition of “concealed” substituted (8.12.2002) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), s. 125, [Sch. 8 para. 15\(a\)](#) (with s. 159); S.I. 2002/2811, [art. 2](#), Sch.
- F3** S. 43(1): definition of “court” omitted (8.12.2002) by virtue of [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), s. 125, [Sch. 8 para. 15\(b\)](#) (with s. 159); S.I. 2002/2811, [art. 2](#), Sch.
- F4** S. 43(1): definitions of “freight shuttle wagon” and “freight train” inserted (8.12.2002) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), s. 125, [Sch. 8 para. 15\(c\)](#) (with s. 159); S.I. 2002/2811, [art. 2](#), Sch.
- F5** Words in s. 43(1) inserted (28.4.2022 for specified purposes, 13.2.2023 in so far as not already in force) by [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(1)(4)(c), [Sch. 5 para. 12\(2\)\(a\)](#); S.I. 2023/33, reg. 2(1)(b) (with reg. 4)
- F6** S. 43(1): in definition of “owner” paragraph (b) and preceding word repealed (8.12.2002) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), ss. 125, 161, [Sch. 8 para. 15\(d\)](#), [Sch. 9](#) (with s. 159); S.I. 2002/2811, [art. 2](#), Sch.
- F7** S. 43(1): definition of “rail freight wagon” substituted (8.12.2002) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), s. 125, [Sch. 8 para. 15\(e\)](#) (with s. 159); S.I. 2002/2811, [art. 2](#), Sch.
- F8** S. 43(1): definition of “shuttle-train” inserted (8.12.2002) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), s. 125, [Sch. 8 para. 15\(f\)](#) (with s. 159); S.I. 2002/2811, [art. 2](#), Sch.
- F9** Words in s. 43(1) inserted (28.4.2022 for specified purposes, 13.2.2023 in so far as not already in force) by [Nationality and Borders Act 2022 \(c. 36\)](#), s. 87(1)(4)(c), [Sch. 5 para. 12\(2\)\(b\)](#); S.I. 2023/33, reg. 2(1)(b) (with reg. 4)
- F10** S. 43(1): words in definition of “transporter” substituted (8.12.2002) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), s. 125, [Sch. 8 para. 15\(g\)](#) (with s. 159); S.I. 2002/2811, [art. 2](#), Sch.

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- F11** S. 43(1A)(1B) inserted (28.4.2022 for specified purposes, 13.2.2023 in so far as not already in force) by Nationality and Borders Act 2022 (c. 36), s. 87(1)(4)(c), **Sch. 5 para. 12(3)**; S.I. 2023/33, reg. 2(1)(b) (with reg. 4)
- F12** S. 43(2)(3) inserted (8.12.2002) by Nationality, Immigration and Asylum Act 2002 (c. 41), s. 125, **Sch. 8 para. 15(h)** (with s. 159); S.I. 2002/2811, **art. 2**, Sch.
- F13** Words in s. 43(2)(a) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 52**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F14** Words in s. 43(3)(a) inserted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 90(b)**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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**Modifications etc. (not altering text)**

- C1** S. 43 applied (with modifications) (7.2.2001 for certain purposes and otherwise 1.3.2001) by S.I. 2001/280, **arts. 1-4** (with art. 5)
- C2** Ss. 40-43 power to apply (with modifications) or amend conferred (18.7.2012) by Nationality, Immigration and Asylum Act 2002 (c. 41), **ss. 124(6), 162(1)** (with s. 159); S.I. 2012/1887, art. 2

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**Marginal Citations**

- M1** 1987 c. 53.

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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. 10(12) inserted by [2023 c. 37 s. 10\(6\)](#)
- s. 40(1)-(1C) substituted for s. 40(1) by [2022 c. 36 s. 76\(2\)](#)
- s. 40(4A)(4B) inserted by [2022 c. 36 s. 76\(5\)](#)
- s. 72(10) repealed by [2004 c. 19 Sch. 4](#)
- s. 94(2A)-(2C) inserted by [2016 c. 19 Sch. 11 para. 3\(3\)](#)
- s. 94(2D) inserted by [2016 c. 19 Sch. 11 para. 7\(4\)](#)
- s. 94(3)(3A) substituted for s. 94(3) by [2002 c. 41 s. 44\(4\)](#) (This amendment is repealed (prosp.) by [2016 c. 19, Sch. 11 para. 41](#))
- s. 94(3A)-(3D) inserted by [2016 c. 19 Sch. 11 para. 3\(5\)](#)
- s. 95A inserted by [2016 c. 19 Sch. 11 para. 9](#)
- s. 96(1A) inserted by [2016 c. 19 Sch. 11 para. 10\(3\)](#)
- s. 97(3A)(b)(iv) inserted by [2022 c. 36 s. 13\(2\)\(c\)\(ii\)](#)
- s. 97(8)(9) inserted by [2016 c. 19 Sch. 11 para. 11\(4\)](#)
- s. 98A inserted by [2016 c. 19 Sch. 11 para. 13](#)
- s. 98A(5) inserted by [2022 c. 36 s. 13\(4\)](#)
- s. 103(4)(a) words substituted by [2004 c. 19 s. 10\(4\)\(b\)](#)
- s. 103(5)(b) word substituted by [S.I. 2008/2833 Sch. 3 para. 183\(ii\)](#)
- s. 103A(1) words substituted by [2004 c. 19 s. 10\(5\)](#)
- s. 103A(1) heading words substituted by [2004 c. 19 s. 10\(5\)](#)
- s. 103A(1) words substituted by [S.I. 2008/2833 Sch. 3 para. 184](#)
- s. 125(2)(ba) inserted by [2016 c. 19 Sch. 11 para. 22\(3\)\(b\)](#)
- s. 146(2)(za) inserted by [2016 c. 19 s. 44\(9\)](#)
- s. 166(5)(ca) substituted for word in s. 166(5)(c) by [2016 c. 19 Sch. 11 para. 24\(2\)](#)
- s. 166(5A)(5B) inserted by [2016 c. 19 Sch. 11 para. 24\(3\)](#)
- s. 166(6)(aa) substituted for word in s. 166(6)(a) by [2016 c. 19 Sch. 11 para. 24\(4\)](#)
- Sch. 2 para. 21 modified by [2002 c. 41 s. 23\(2\)\(a\)](#)
- Sch. 3 para. 2(5) modified by [2002 c. 41 s. 23\(2\)\(b\)](#)