

Status: Point in time view as at 06/12/1999. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: Immigration and Asylum Act 1999, SCHEDULE 1 is up to date with all changes known to be in force on or before 27 June 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)

SCHEDULES

SCHEDULE 1

Sections 37(6) and 42(8).

SALE OF TRANSPORTERS

Modifications etc. (not altering text)

- C1** S. 37 (and Sch. 1) 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](#))

VALID FROM 03/04/2000

Leave of court required

- 1 (1) The sale of a transporter requires the leave of the court.
- (2) The court is not to give its leave except on proof—
- (a) that the penalty or charge is or was due;
 - (b) that the person liable to pay it or any connected expenses has failed to do so; and
 - (c) that the transporter which the Secretary of State seeks leave to sell is liable to sale.

Commencement Information

- II** Sch. 1 para. 1 partly in force; Sch. 1 para. 1 not in force at Royal Assent see s. 170(4); Sch. 1 para. 1 in force for certain purposes at 3.4.2000 by S.I. 2000/464, [art. 2](#), [Sch.](#)

Notice of proposed sale

- 2 Before applying for leave to sell a transporter, the Secretary of State must take such steps as may be prescribed—
- (a) for bringing the proposed sale to the notice of persons whose interests may be affected by a decision of the court to grant leave; and
 - (b) for affording to any such person an opportunity of becoming a party to the proceedings if the Secretary of State applies for leave.

VALID FROM 08/12/2002

- [^{F1}2A** Where the owner of a transporter is a party to an application for leave to sell it, in determining whether to give leave the court shall consider—

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- (a) the extent of any hardship likely to be caused by sale,
- (b) the extent (if any) to which the owner is responsible for the matters in respect of which the penalty notice was issued, and
- (c) any other matter which appears to the court to be relevant (whether specific to the circumstances of the case or of a general nature).]

Textual Amendments

- F1** Sch. 1 para. 2A inserted (8.12.2002 for certain purposes, otherwise prosp.) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), ss. 125, 162(1), **Sch. 8 para. 16(3)** (with s. 159); S.I. 2002/2811, **art. 2**, Sch. (with art. 4)

VALID FROM 03/04/2000

Duty to obtain best price

- 3 If leave for sale is given, the Secretary of State must secure that the transporter is sold for the best price that can reasonably be obtained.

Commencement Information

- I2** Sch. 1 para. 3 partly in force; Sch. 1 para. 3 not in force at Royal Assent see s. 170(4); Sch. 1 para. 3 in force for certain purposes at 3.4.2000 by S.I. 2000/464, art. 2, Sch.

VALID FROM 03/04/2000

Effect of failure to comply with paragraph 2 or 3

- 4 Failure to comply with any requirement of paragraph 2 or 3 in respect of any sale—
- (a) is actionable against the Secretary of State at the suit of any person suffering loss in consequence of the sale; but
 - (b) after the sale has taken place, does not affect its validity.

Commencement Information

- I3** Sch. 1 para. 4 partly in force; Sch. 1 para. 4 not in force at Royal Assent see s. 170(4); Sch. 1 para. 4 in force for certain purposes at 3.4.2000 by S.I. 2000/464, art. 2, Sch.

Application of proceeds of sale

- 5 (1) Any proceeds of sale arising from a sale under section 37 or 42 must be applied—
- (a) in making prescribed payments; and

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- (b) in accordance with such provision as to priority of payments as may be prescribed.
- (2) The regulations may, in particular, provide for proceeds of sale to be applied in payment—
- (a) of customs or excise duty,
 - (b) of value added tax,
 - (c) of expenses incurred by the Secretary of State,
 - (d) of any penalty or charge which the court has found to be due,
 - (e) in the case of the sale of an aircraft, of charges due as a result of regulations made under section 73 of the ^{M1}Civil Aviation Act 1982,
 - (f) of any surplus to or among the person or persons whose interests in the transporter have been divested as a result of the sale,
- but not necessarily in that order of priority.

Marginal Citations

M1 1982 c. 16.

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