



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART II

CARRIERS' LIABILITY

Clandestine entrants

VALID FROM 11/05/2012

[^{F1}35A Appeal

- (1) A person may appeal to the court against a penalty imposed on him under section 32 on the ground that—
 - (a) he is not liable to the imposition of a penalty, or
 - (b) the amount of the penalty is too high.
- (2) On an appeal under this section the court may—
 - (a) allow the appeal and cancel the penalty,
 - (b) allow the appeal and reduce the penalty, or
 - (c) dismiss the appeal.
- (3) An appeal under this section shall be a re-hearing of the Secretary of State's decision to impose a penalty and shall be determined having regard to—
 - (a) any code of practice under section 32A which has effect at the time of the appeal,
 - (b) the code of practice under section 33 which had effect at the time of the events to which the penalty relates, and
 - (c) any other matters which the court thinks relevant (which may include matters of which the Secretary of State was unaware).
- (4) Subsection (3) has effect despite any provision of Civil Procedure Rules.

Status: Point in time view as at 01/04/2003. This version of this provision is not valid for this point in time.

Changes to legislation: Immigration and Asylum Act 1999, Section 35A is up to date with all changes known to be in force on or before 18 August 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)

- (5) An appeal may be brought by a person under this section against a penalty whether or not—
- (a) he has given notice of objection under section 35(4);
 - (b) the penalty has been increased or reduced under section 35(6).]

Textual Amendments

- F1** S. 35A 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. 8](#) (with s. 159); S.I. 2002/2811, [art. 2](#), [Sch.](#) (with [art. 4](#))

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