



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART II

CARRIERS' LIABILITY

Clandestine entrants

36 Power to detain vehicles etc. in connection with penalties under section 32

- (1) If a penalty notice has been given under section 35, a senior officer may detain any relevant—
 - (a) vehicle,
 - (b) small ship, or
 - (c) small aircraft,until all penalties to which the notice relates, and any expenses reasonably incurred by the Secretary of State in connection with the detention, have been paid.
- (2) That power—
 - (a) may be exercised only if, in the opinion of the senior officer concerned, there is a significant risk that the penalty (or one or more of the penalties) will not be paid before the end of the prescribed period if the transporter is not detained; and
 - (b) may not be exercised if alternative security which the Secretary of State considers is satisfactory, has been given.
- (3) If a transporter is detained under this section, the owner, consignor or any other person who has an interest in any freight or other thing carried in or on the transporter may remove it, or arrange for it to be removed, at such time and in such way as is reasonable.
- (4) The detention of a transporter under this section is lawful even though it is subsequently established that the penalty notice on which the detention was based was ill-founded in respect of all or any of the penalties to which it related.

Status: This is the original version (as it was originally enacted).

- (5) But subsection (4) does not apply if the Secretary of State was acting unreasonably in issuing the penalty notice.