

Status: Point in time view as at 11/05/2012.

Changes to legislation: Nationality, Immigration and Asylum Act 2002, Paragraph 6 is up to date with all changes known to be in force on or before 13 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 8 **U.K.**

CARRIERS’ LIABILITY

- 6 (1) Section 34 (defence) shall be amended as follows.
- (2) For subsection (1) substitute—
- “(1) A person (“the carrier”) shall not be liable to the imposition of a penalty under section 32(2) if he has a defence under this section.”
- (3) In subsection (3)(c) omit the first “that”.
- (4) After subsection (3) insert—
- “(3A) It is also a defence for the carrier to show that—
- (a) he knew or suspected that a clandestine entrant was or might be concealed in a rail freight wagon, having boarded after the wagon began its journey to the United Kingdom;
 - (b) he could not stop the train or shuttle-train of which the wagon formed part without endangering safety;
 - (c) an effective system for preventing the carriage of clandestine entrants was in operation in relation to the train or shuttle-train; and
 - (d) on the occasion in question the person or persons responsible for operating the system did so properly.”
- (5) Omit subsection (5).
- (6) For subsection (6) substitute—
- “(6) Where a person has a defence under subsection (2) in respect of a clandestine entrant, every other responsible person in respect of the clandestine entrant is also entitled to the benefit of the defence.”

Commencement Information

- I1** Sch. 8 para. 6 partly in force; Sch. 8 para. 6 not in force at Royal Assent see s. 162(2); Sch. 8 para. 6 in force at 8.12.2002 for certain purposes by [S.I. 2002/2811](#), [art. 2](#), [Sch.](#)
- I2** [Sch. 8 para. 6](#) in force at 11.5.2012 for specified purposes by [S.I. 2012/1263](#), [art. 2](#)

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