

**2000 No. 684**

**IMMIGRATION AND ASYLUM**

**The Carriers' Liability (Clandestine Entrants) (Code of Practice) Order 2000**

<i>Made</i> - - - -	<i>8th March 2000</i>
<i>Laid before Parliament</i>	<i>10th March 2000</i>
<i>Coming into force</i>	<i>3rd April 2000</i>

Whereas—

- (1) in pursuance of section 33 of the Immigration and Asylum Act 1999<sup>(a)</sup> (“the 1999 Act”) the Secretary of State is required to issue a code of practice to be followed by any person operating a system for preventing the carriage of clandestine entrants;
- (2) sections 32 and 34 to 37 of the 1999 Act are commenced (so far as not yet already in force) on 3rd April 2000 by the Immigration and Asylum Act 1999 (Commencement No. 3) Order 2000<sup>(b)</sup> for the purposes of clandestine entrants concealed in vehicles but not in ships or aircraft;
- (3) the Secretary of State has prepared the draft of such a code in relation to prevention of the carriage of clandestine entrants concealed in vehicles;
- (4) the Secretary of State has consulted such persons as he considers appropriate about the code, both before and after the passing of the 1999 Act<sup>(c)</sup>, in satisfaction of the requirements of section 33(2) of that Act; and
- (5) in pursuance of section 33(2) of the 1999 Act the Secretary of State has laid a draft of the code of practice before each House of Parliament;

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by sections 33 and 166(3) of the Immigration and Asylum Act 1999, hereby orders as follows:

**1.** This Order may be cited as the Carriers' Liability (Clandestine Entrants) (Code of Practice) Order 2000 and shall come into force on 3rd April 2000.

**2.** The code of practice entitled “Immigration and Asylum Act 1999: Civil Penalty: Code of Practice for Vehicles”, laid in draft before each House of Parliament on 3rd March 2000 and which concerns the practice to be followed by any person operating a system for preventing the carriage of clandestine entrants concealed in vehicles, shall come into operation on 3rd April 2000.

Home Office  
8th March 2000

*Barbara Roche*  
Minister of State

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<sup>(a)</sup> 1999 c. 33.

<sup>(b)</sup> S.I. 2000/464 (C. 12).

<sup>(c)</sup> See section 33(3) of the 1999 Act.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings into operation on 3rd April 2000 the Code of Practice, issued pursuant to section 33 of the Immigration and Asylum Act 1999, to be followed by any person operating a system for preventing the carriage of clandestine entrants. As sections 32 and 34 to 37 of that Act, which provide for a penalty for the carriage of clandestine entrants, are commenced on 3rd April 2000 by S.I. 2000/464 (C. 12) for the purposes only of clandestine entrants concealed in vehicles, the code of practice is also confined to vehicles. The Code of Practice is taken into account in determining whether a person who has transported clandestines was operating an effective system for preventing their carriage; and thus whether he has a defence to the penalty.

**£1.00**

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