
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 8th December 2002 sections 32, 34, 35, 36 and 37 of the Immigration and Asylum Act 1999 (“the 1999 Act”), as amended by section 125 of, and Schedule 8 to, the Nationality, Immigration and Asylum Act 2002 (“the 2002 Act”), for the purposes of clandestine entrants (within the meaning of section 32(2)) who arrive in the United Kingdom concealed in a rail freight wagon (as defined in section 43, as amended by the 2002 Act). Those sections were previously brought into force on 3rd April 2000 but only for the purposes of clandestine entrants who arrive in the United Kingdom concealed in a vehicle (the Immigration and Asylum Act 1999 (Commencement No. 3) Order 2000 (S.I. 2000/464)). Those sections are not in force for the purpose of clandestine entrants who arrive in the United Kingdom concealed in a ship or aircraft.

The Order also brings into force on 8th December 2002 the repeal of the Immigration (Carriers' Liability) Act 1987 (“the 1987 Act”) and the repeal of section 12 of the Asylum and Immigration Appeals Act 1993 which amends the 1987 Act. Section 1 of the 1987 Act (liability of carriers for passengers without proper documents) is being replaced by sections 40 to 40B of the 1999 Act which are substituted for section 40 of the 1999 Act, by paragraph 13 of Schedule 8 to the 2002 Act (also from 8th December 2002). Section 1A of the 1987 Act (visas for transit passengers) is being replaced by section 41 of the 1999 Act which this Order also brings into force on 8th December 2002.