

**2023 No. 30**

**IMMIGRATION AND ASYLUM**

**The Carriers' Liability (Clandestine Entrants) (Level of Penalty:  
Code of Practice) Order 2023**

<i>Made</i> - - - -	<i>12th January 2023</i>
<i>Laid before Parliament</i>	<i>16th January 2023</i>
<i>Coming into force</i> - -	<i>13th February 2023</i>

The Secretary of State makes the following Order in exercise of the power conferred by sections 32A(4) and 166(1) and (3) of the Immigration Act 1999(a).

In pursuance of section 32A(3) of that Act, the Secretary of State has laid a draft of the code of practice entitled "Immigration and Asylum Act 1999: Level of Penalty: Code of Practice" before Parliament(b).

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Carriers' Liability (Clandestine Entrants) (Level of Penalty: Code of Practice) Order 2023 and comes into force on 13th February 2023.

(2) This Order extends to England and Wales, Scotland and Northern Ireland.

**Coming into force of the code of practice**

2. The code of practice entitled "Immigration and Asylum Act 1999: Level of Penalty: Code of Practice" laid in draft before Parliament on 16th January 2023 comes into operation on 13th February 2023.

12th January 2023

*Robert Jenrick*  
Minister of State  
Home Office

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(a) 1999 c. 33; section 32A was inserted by paragraph 3 of Schedule 8 to the Nationality, Immigration and Asylum Act 2002 (c. 41) and amended by paragraph 5 of Schedule 5 to the Nationality and Borders Act 2022 (c. 36).  
(b) Draft of the code entitled "Immigration and Asylum Act 1999: Level of Penalty: Code of Practice" laid before Parliament on 16th January 2023.

## EXPLANATORY NOTE

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

This Order brings into operation a code of practice entitled “Immigration and Asylum Act 1999: Level of Penalty: Code of Practice”, issued under section 32A of the Immigration and Asylum Act 1999 (c. 33) (the “1999 Act”).

The code of practice specifies matters to be considered in determining the amount of a penalty under sections 31A and 32 of the 1999 Act.

Under section 32A(B1) and (2), the Secretary of State must have regard to the code of practice when imposing a penalty under section 31A and section 32 and when considering a notice of objection against a penalty under section 35(4) of the 1999 Act.

The draft code will be published by the Stationery Office and copies may be obtained from the Stationery Office bookshops or online shop, with the final code to be available in the same way. The draft code is also available on the gov.uk website, with the final code to be available in the same way.

An impact assessment has been produced in relation to this instrument. It is available from the Home Office, 2 Marsham Street, London, SW1P 4DF, and is annexed to the Explanatory Memorandum and published alongside the instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk).

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