

*These notes refer to the Immigration and Asylum Act 1999  
(c.33) which received Royal Assent on 11 November 1999*

# IMMIGRATION AND ASYLUM ACT 1999

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part II: Carriers' liability**

#### ***Section 36: Power to detain vehicles etc in connection with penalties under section 32***

129. This section provides power to detain a vehicle and certain ships and aircraft as security until such time as all penalties and expenses connected with detention have been paid.
130. Subsections (1) and (2) enable a senior officer to detain a vehicle, small ship or small aircraft until all penalties and any detention expenses have been paid. This power is only to be used where the officer believes there to be a significant risk that the penalty will not otherwise be paid within the period allowed by the penalty notice. This power may not be exercised if an alternative form of security, which the Secretary of State considers satisfactory, has been given.
131. Subsections (4) and (5) provide that if the Secretary of State has acted reasonably in issuing the penalty notice, the detention of a transporter is not unlawful even if it is later found that the penalty notice was ill-founded. This does not apply where the Secretary of State acted unreasonably in issuing the penalty notice (subsection (5)).