

*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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 1: Detention and sale of transporters

156. This Schedule deals with the detention and sale of transporters under sections 37 and 42.
157. [Paragraph 1](#) provides that the permission of the court must be obtained before a transporter can be sold. It also states that before the court can give its permission it must have proof that the penalty or charge was due but has not been paid by the person liable and that the transporter is liable to sale.
158. [Paragraph 2](#) provides that the Secretary of State must take such steps as may be prescribed to bring the proposed sale to the notice of anyone who may be affected by the sale of the transporter so that they can involve themselves in any application the Secretary of State makes to the court.
159. [Paragraph 3](#) requires the Secretary of State to obtain the best possible price for any transporter sold.
160. [Paragraph 4](#) provides that, should the Secretary of State fail to comply with the conditions as set out in paragraphs 2 and 3 of the Schedule, any person suffering loss as a consequence will be able to institute proceedings to obtain compensation. This will not, however, serve to make the sale of the transporter invalid.
161. [Paragraph 5](#) sets out how the proceeds from any sale will be distributed. The order of distribution will be set out in regulations to be made by the Secretary of State.