

## SCHEDULES

### SCHEDULE 5

#### AVIATION, MARITIME AND RAIL SECURITY

##### PART 1

#### PASSENGER, CREW AND SERVICE INFORMATION

##### *Amendments of the Immigration Act 1971*

- 1 (1) Schedule 2 to the Immigration Act 1971 (administrative provisions as to control on entry etc) is amended as follows.
  - (2) In paragraph 27 (requirement to provide passenger lists etc), in sub-paragraph (5), after paragraph (b) insert—
    - “(ba) may require a responsible person to be able to receive, in a specified form and manner, communications sent by the Secretary of State or an immigration officer relating to the information,”.
  - (3) In paragraph 27B (passenger information or service information), after sub-paragraph (8) insert—
    - “(8A) The officer may require a carrier to be able to receive communications from the officer in such form and manner as the Secretary of State may direct.”
  - (4) After paragraph 27B insert—
    - “27BA(1) The Secretary of State may make regulations requiring responsible persons in respect of ships or aircraft—
      - (a) which have arrived, or are expected to arrive, in the United Kingdom, or
      - (b) which have left, or are expected to leave, the United Kingdom, to supply information to the Secretary of State or an immigration officer.
    - (2) The following information may be required under sub-paragraph (1)—
      - (a) information about the persons on board;
      - (b) information about the voyage or flight.
    - (3) The regulations must—
      - (a) specify or describe the classes of ships or aircraft to which they apply;
      - (b) specify the information required to be supplied;
      - (c) specify the time by which the information must be supplied;
      - (d) specify the form and manner in which the information must be supplied.

---

*Status: This is the original version (as it was originally enacted).*

---

- (4) The regulations may require responsible persons to be able to receive, in a specified form and manner, communications sent by the Secretary of State or an immigration officer relating to the information.
  - (5) For the purposes of this paragraph, the following are responsible persons in respect of a ship or aircraft—
    - (a) the owner or agent, and
    - (b) the captain.
  - (6) Regulations under this paragraph may make different provision for different purposes, and in particular may make different provision for different types of carrier, journey or person on board.
  - (7) The power to make regulations under this paragraph is exercisable by statutory instrument; but no regulations under this paragraph are to be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.
- 27BB (1) The Secretary of State may make regulations imposing penalties for failure to comply with—
- (a) an order under paragraph 27(2) (order requiring passenger list or particulars of member of crew),
  - (b) any request or requirement under paragraph 27B (passenger and service information), or
  - (c) regulations under paragraph 27BA (passenger, crew and service information).
- (2) Regulations under sub-paragraph (1) may in particular make provision—
- (a) about how a penalty is to be calculated;
  - (b) about the procedure for imposing a penalty;
  - (c) about the enforcement of penalties;
  - (d) allowing for an appeal against a decision to impose a penalty;
- and the regulations may make different provision for different purposes.
- (3) Provision in the regulations about the procedure for imposing a penalty must provide for a person to be given an opportunity to object to a proposed penalty in the circumstances set out in the regulations.
- (4) The regulations must provide that no penalty may be imposed on a person for failure to comply with an order under paragraph 27(2), a request or requirement under paragraph 27B or regulations under paragraph 27BA where—
- (a) proceedings have been instituted against the person under section 27 in respect of the same failure; or
  - (b) the failure consists of a failure to provide information that the person has also been required to provide under section 32 or 32A of the Immigration, Asylum and Nationality Act 2006 and—
    - (i) a penalty has been imposed on the person in respect of a failure to provide that information by virtue of regulations made under section 32B of that Act, or

---

*Status: This is the original version (as it was originally enacted).*

---

- (ii) proceedings have been instituted against the person under section 34 of that Act in respect of a failure to provide that information; or
    - (c) the failure consists of a failure to provide information that the person has also been required to provide under an authority-to-carry scheme made under section 22 of the Counter-Terrorism and Security Act 2015 and a penalty has been imposed on the person in respect of a failure to provide that information by virtue of regulations made under section 24 of that Act.
  - (5) Any penalty paid by virtue of this paragraph must be paid into the Consolidated Fund.
  - (6) The power to make regulations under this paragraph is exercisable by statutory instrument; but no regulations under this paragraph are to be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.”
- (5) Omit paragraph 27C (notification of non-EEA arrivals).