



# Immigration Act 1971

## 1971 CHAPTER 77

### PART III

#### CRIMINAL PROCEEDINGS

#### **27 Offences by persons connected with ships or aircraft or with ports.**

<sup>F1</sup>(1) A person shall be guilty of an offence punishable on summary conviction with a fine of not more than [<sup>F2</sup>[<sup>F3</sup>level 5] on the standard scale] or with imprisonment for not more than six months, or with both, in any of the following cases—

- (a) if, being the captain of a ship or aircraft,—
  - (i) he knowingly permits a person to disembark in the United Kingdom when required under Schedule 2 or 3 to this Act to prevent it, or fails without reasonable excuse to take any steps he is required by or under Schedule 2 to take in connection with the disembarkation or examination of passengers or for furnishing a passenger list or particulars of members of the crew; or
  - (ii) he fails, without reasonable excuse, to comply with any directions given him under Schedule 2 or 3 [<sup>F4</sup>or under the Immigration and Asylum Act 1999] with respect to the removal of a person from the United Kingdom;
- (b) if, as owner or agent of a ship or aircraft,—
  - (i) he arranges, or is knowingly concerned in any arrangements, for the ship or aircraft to call at a port other than a port of entry contrary to any provision of Schedule 2 to this Act; or
  - (ii) he fails, without reasonable excuse, to take any steps required by an order under Schedule 2 for the supply to passengers of landing or embarkation cards; or
  - (iii) he fails, without reasonable excuse, to make arrangements for [<sup>F5</sup>or in connection with] the removal of a person from the United Kingdom when required to do so by directions given under Schedule 2 or 3 to this Act; [<sup>F6</sup>or under the Immigration and Asylum Act 1999; or

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- [ he fails, without reasonable excuse, to comply with a direction under <sup>F7</sup>(iia) paragraph 5B of Schedule 2; or]
- (iv) he fails, without reasonable excuse, to comply with [<sup>F8</sup>[<sup>F9</sup>any other requirement] imposed by or under Schedule 2] ;]
- (c) if, <sup>F10</sup> . . . as a person concerned in the management of a port, he fails, without reasonable excuse, to take any steps required by Schedule 2 in relation to the embarkation or disembarkation of passengers where a control area is designated.
- [<sup>F11</sup>(ca) if as a person concerned in the management of a port he fails, without reasonable excuse, to comply with a direction under paragraph 5B of Schedule 2.]
- [<sup>F12</sup>(d) . . . . .]
- [<sup>F13</sup>(2) Proceedings may not be instituted against a person under subsection (1)(a)(i) or (1)(b)(iv) for a failure to provide information or otherwise to comply with a requirement imposed under paragraph 27, 27B or 27BA of Schedule 2 where—
- (a) the person has paid a penalty in respect of the same failure, or a failure to provide the same information, by virtue of regulations made under—
- (i) paragraph 27BB of Schedule 2,
- (ii) section 32B of the Immigration, Asylum and Nationality Act 2006, or
- (iii) section 24 of the Counter-Terrorism and Security Act 2015 (penalty for breach of authority-to-carry scheme); or
- (b) proceedings have been instituted against the person under section 34 of the Immigration, Asylum and Nationality Act 2006 in respect of a failure to provide the same information.]

#### Textual Amendments

- F1** S. 27(1): s. 27 renumbered as s. 27(1) (12.2.2015) by Counter-Terrorism and Security Act 2015 (c. 6), s. 52(5), **Sch. 5 para. 2(a)**
- F2** Words substituted: (E.W.) (11.4.1983) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48), **ss. 38, 46**; (S.) (11.4.1983) by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21), **ss. 289F, 289G** (as inserted by Criminal Justice Act 1982 (c. 48), **s. 54**); (N.I.) (19.7.1984) by virtue of S.I. 1984/703 (N.I. 3), **arts. 5, 6**
- F3** Words in s. 27 substituted (1.10.1996) by 1996 c. 49, **s. 6**; S.I. 1996/2053, **art. 2, Sch. Pt. III**
- F4** Words in s. 27(a)(ii) inserted (2.10.2000) by 1999 c. 33, s. 169(1), **Sch. 14 paras. 43, 52(1)(2)**; S.I. 2000/2444, **art. 2, Sch. 1** (subject to transitional provisions in **art. 3, Sch. 2 para. 2**) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, **art. 2, Sch.**)
- F5** Words in s. 27(b)(iii) inserted (1.3.2000) by 1999 c. 33, s. 169(1), **Sch. 14 paras. 43, 52(1)(3)(a)**; S.I. 2000/464, **art. 2, Sch.** (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, **art. 2, Sch.**)
- F6** S. 27(b)(iv) and preceding words inserted (3.4.2000) by 1999 c. 33, s. 169(1), **Sch. 14 paras. 43, 52(1)(3)(b)**; S.I. 2000/464, **art. 2, Sch.** (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, **art. 2, Sch.**)
- F7** S. 27(b)(iia) inserted (28.7.2014) by Immigration Act 2014 (c. 22), s. 75(3), **Sch. 8 para. 7(2)(a)**; S.I. 2014/1820, **art. 3(bb)**
- F8** Words in s. 27(b)(iv) substituted (1.3.2008) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 31(4)(a), 62**; S.I. 2007/3138, **art. 3(b)** (as amended by S.I. 2007/3580, **art. 2**)
- F9** Words in s. 27(b)(iv) substituted (28.7.2014) by Immigration Act 2014 (c. 22), s. 75(3), **Sch. 8 para. 7(2)(b)**; S.I. 2014/1820, **art. 3(bb)**

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- F10** Words in s. 27(c) repealed (1.3.2008) by Immigration, Asylum and Nationality Act 2006 (c. 13), **ss. 31(4)(b), 61, 62, Sch. 3**; S.I. 2007/3138, **art. 3(b)(c)** (as amended by S.I. 2007/3580, **art. 2**)
- F11** S. 27(ca) inserted (28.7.2014) by Immigration Act 2014 (c. 22), s. 75(3), **Sch. 8 para. 7(3)**; S.I. 2014/1820, **art. 3(bb)**
- F12** S. 27(d) repealed (2.8.1993) by S.I. 1993/1813, arts. 9, 1, **Sch. 6 Pt. I**
- F13** S. 27(2) inserted (12.2.2015) by Counter-Terrorism and Security Act 2015 (c. 6), s. 52(5), **Sch. 5 para. 2(b)**

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**Modifications etc. (not altering text)**

- C1** Pt. 3 modified by Immigration Act 2014 (c. 22), s. 33C(6) (as inserted (1.11.2016 for specified purposes, 1.12.2016 in so far as not already in force) by Immigration Act 2016 (c. 19), **ss. 39(2), 94(1)**; S.I. 2016/1037, **regs. 2(a), 5(c)**)
- C2** S. 27 modified (2.8.1993) by S.I. 1993/1813, arts. 7(1), 1, **Sch. 4 para 1(9)**(as amended (1.12.1997) by S.I. 1994/1405, **art. 8, Sch. 4 para. 11** Table; and as further amended (5.8.2014) by S.I. 2014/1814, arts. 1, **2(2)**)
- C3** S. 27: amendment to earlier affecting provision S.I. 1993/1813, Sch. 4 para. 1(9) (5.8.2014) by The Channel Tunnel (International Arrangements) (Amendment) Order 2014 (S.I. 2014/1814), arts. 1, **2(2)**
- C4** Ss. 24-29: amendment to earlier affecting S.I. 1993/1797, Sch. 1 Pt. 1 (11.10.2017 coming into force in accordance with art. 1) by The Immigration (Jersey) (Amendment) Order 2017 (S.I. 2017/981), **Sch. Pt. 1 para. 1** (with art. 6)
- C5** S. 27 modified (30.9.2020 immediately after the entry into force of S.I. 2020/915, art. 5) by The Channel Tunnel (Arrangements with the Kingdom of the Netherlands) Order 2020 (S.I. 2020/916), arts. 1(3), **6**
- C6** S. 27 modified by S.I. 1994/1405, art. 7 (as amended (coming into force in accordance with art. 1(3) of the amending S.I.) by The Channel Tunnel (International Arrangements and Miscellaneous Provisions) (Amendment) Order 2020 (S.I. 2020/915), arts. 1(3), **11**)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied by [2008 c. 4 s. 133\(7\)\(8\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 10(1A)(1B) inserted by [1999 c. 33 Sch. 14 para. 47\(3\)](#)
- s. 24(1)(fa) inserted by [2023 c. 37 s. 10\(2\)](#)
- s. 24C-24F inserted by [2016 c. 19 s. 44\(2\)](#)
- s. 26A(1)(b)(ia) inserted by [2016 c. 19 Sch. 11 para. 25](#)
- s. 27(1)(aa) inserted by [2023 c. 37 s. 10\(3\)\(a\)](#)
- s. 27(1)(ba) inserted by [2023 c. 37 s. 10\(3\)\(b\)](#)
- s. 28CA(1)(bb) substituted for word in s. 28CA(1)(b) by [2016 c. 19 s. 44\(5\)](#)
- Sch. 2 para. 27B(4A) inserted by [2004 c. 19 s. 16](#)
- Sch. 2 para. 26(4) inserted by [2016 c. 19 s. 74\(1\)](#)
- Sch. 2 Pt. 1A inserted by [2016 c. 19 Sch. 13](#)
- Sch. 2 para. 11A inserted by [2023 c. 37 s. 10\(4\)](#)