



# Immigration and Asylum Act 1999

## 1999 CHAPTER 33

### PART I

#### IMMIGRATION: GENERAL

##### *Information*

#### **18 Passenger information**

In the 1971 Act, in Schedule 2, after paragraph 27, insert—

##### *“Passenger information*

- 27B (1) This paragraph applies to 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.
- (2) If an immigration officer asks the owner or agent (“the carrier”) of a ship or aircraft for passenger information, the carrier must provide that information to the officer.
- (3) The officer may ask for passenger information relating to—
- (a) a particular ship or particular aircraft of the carrier;
  - (b) particular ships or aircraft (however described) of the carrier; or
  - (c) all of the carrier’s ships or aircraft.
- (4) The officer may ask for—
- (a) all passenger information in relation to the ship or aircraft concerned; or
  - (b) particular passenger information in relation to that ship or aircraft.
- (5) A request under sub-paragraph (2)—
- (a) must be in writing;

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- (b) must state the date on which it ceases to have effect; and
  - (c) continues in force until that date, unless withdrawn earlier by written notice by an immigration officer.
- (6) The date may not be later than six months after the request is made.
- (7) The fact that a request under sub-paragraph (2) has ceased to have effect as a result of sub-paragraph (5) does not prevent the request from being renewed.
- (8) The information must be provided—
- (a) in such form and manner as the Secretary of State may direct; and
  - (b) at such time as may be stated in the request.
- (9) “Passenger information” means such information relating to the passengers carried, or expected to be carried, by the ship or aircraft as may be specified.
- (10) “Specified” means specified in an order made by statutory instrument by the Secretary of State.
- (11) Such an instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

## **19 Notification of non-EEA arrivals**

In the 1971 Act, in Schedule 2, after paragraph 27B, insert—

*“Notification of non-EEA arrivals*

- 27C (1) If a senior officer, or an immigration officer authorised by a senior officer, gives written notice to the owner or agent (“the carrier”) of a ship or aircraft, the carrier must inform a relevant officer of the expected arrival in the United Kingdom of any ship or aircraft—
- (a) of which he is the owner or agent; and
  - (b) which he expects to carry a person who is not an EEA national.
- (2) The notice may relate to—
- (a) a particular ship or particular aircraft of the carrier;
  - (b) particular ships or aircraft (however described) of the carrier; or
  - (c) all of the carrier’s ships or aircraft.
- (3) The notice—
- (a) must state the date on which it ceases to have effect; and
  - (b) continues in force until that date, unless withdrawn earlier by written notice given by a senior officer.
- (4) The date may not be later than six months after the notice is given.
- (5) The fact that a notice under sub-paragraph (1) has ceased to have effect as a result of sub-paragraph (3) does not prevent the notice from being renewed.
- (6) The information must be provided—
- (a) in such form and manner as the notice may require; and

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- (b) before the ship or aircraft concerned departs for the United Kingdom.
- (7) If a ship or aircraft travelling to the United Kingdom stops at one or more places before arriving in the United Kingdom, it is to be treated as departing for the United Kingdom when it leaves the last of those places.
- (8) “Senior officer” means an immigration officer not below the rank of chief immigration officer.
- (9) “Relevant officer” means—
  - (a) the officer who gave the notice under sub-paragraph (1); or
  - (b) any immigration officer at the port at which the ship or aircraft concerned is expected to arrive.
- (10) “EEA national” means a national of a State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as it has effect for the time being.”

## **20 Supply of information to Secretary of State**

- (1) This section applies to information held by—
  - (a) a chief officer of police;
  - (b) the Director General of the National Criminal Intelligence Service;
  - (c) the Director General of the National Crime Squad;
  - (d) the Commissioners of Customs and Excise, or a person providing services to them in connection with the provision of those services;
  - (e) a person with whom the Secretary of State has made a contract or other arrangements under section 95 or 98 or a sub-contractor of such a person; or
  - (f) any specified person, for purposes specified in relation to that person.
- (2) The information may be supplied to the Secretary of State for use for immigration purposes.
- (3) “Immigration purposes” means any of the following—
  - (a) the administration of immigration control under the Immigration Acts;
  - (b) the prevention, detection, investigation or prosecution of criminal offences under those Acts;
  - (c) the imposition of penalties or charges under Part II;
  - (d) the provision of support for asylum-seekers and their dependants under Part VI;
  - (e) such other purposes as may be specified.
- (4) “Chief officer of police” means—
  - (a) the chief officer of police for a police area in England and Wales;
  - (b) the chief constable of a police force maintained under the Police (Scotland) Act 1967;
  - (c) the Chief Constable of the Royal Ulster Constabulary.
- (5) “Specified” means specified in an order made by the Secretary of State.
- (6) This section does not limit the circumstances in which information may be supplied apart from this section.

## **21 Supply of information by Secretary of State**

- (1) This section applies to information held by the Secretary of State in connection with the exercise of functions under any of the Immigration Acts.
- (2) The information may be supplied to—
  - (a) a chief officer of police, for use for police purposes;
  - (b) the Director General of the National Criminal Intelligence Service, for use for NCIS purposes;
  - (c) the Director General of the National Crime Squad, for use for NCS purposes;
  - (d) the Commissioners of Customs and Excise, or a person providing services to them, for use for customs purposes; or
  - (e) any specified person, for use for purposes specified in relation to that person.
- (3) “Police purposes” means any of the following—
  - (a) the prevention, detection, investigation or prosecution of criminal offences;
  - (b) safeguarding national security;
  - (c) such other purposes as may be specified.
- (4) “NCIS purposes” means any of the functions of the National Criminal Intelligence Service mentioned in section 2 of the Police Act 1997.
- (5) “NCS purposes” means any of the functions of the National Crime Squad mentioned in section 48 of that Act.
- (6) “Customs purposes” means any of the Commissioners' functions in relation to—
  - (a) the prevention, detection, investigation or prosecution of criminal offences;
  - (b) the prevention, detection or investigation of conduct in respect of which penalties which are not criminal penalties are provided for by or under any enactment;
  - (c) the assessment or determination of penalties which are not criminal penalties;
  - (d) checking the accuracy of information relating to, or provided for purposes connected with, any matter under the care and management of the Commissioners or any assigned matter (as defined by section 1(1) of the Customs and Excise Management Act 1979);
  - (e) amending or supplementing any such information (where appropriate);
  - (f) legal or other proceedings relating to anything mentioned in paragraphs (a) to (e);
  - (g) safeguarding national security; and
  - (h) such other purposes as may be specified.
- (7) “Chief officer of police” and “specified” have the same meaning as in section 20.
- (8) This section does not limit the circumstances in which information may be supplied apart from this section.