



# Immigration, Asylum and Nationality Act 2006

## 2006 CHAPTER 13

### *Information*

#### **33 Freight information: police powers**

- (1) This section applies to ships, aircraft and vehicles which are—
  - (a) arriving, or expected to arrive, in the United Kingdom, or
  - (b) leaving, or expected to leave, the United Kingdom.
- (2) If a constable of the rank of superintendent or above requires a person specified in subsection (3) to provide freight information he shall comply with the requirement.
- (3) The persons referred to in subsection (2) are—
  - (a) in the case of a ship or aircraft, the owner or agent,
  - (b) in the case of a vehicle, the owner or hirer, and
  - (c) in any case, persons responsible for the import or export of the freight into or from the United Kingdom.
- (4) A constable may impose a requirement under subsection (2) only if he thinks it necessary—
  - (a) in the case of a constable in England, Wales or Northern Ireland, for police purposes, or
  - (b) in the case of a constable in Scotland, for police purposes which are or relate to reserved matters.
- (5) In this section—
  - (a) “freight information” means information which is of a kind specified by order of the Secretary of State and which relates to freight carried,
  - (b) “police purposes” has the meaning given by section 21(3) of the Immigration and Asylum Act 1999 (c. 33) (disclosure by Secretary of State), and
  - (c) “reserved matters” has the same meaning as in the Scotland Act 1998 (c. 46).

- (6) A requirement imposed under subsection (2)—
- (a) must be in writing,
  - (b) may apply generally or only to one or more specified ships, aircraft or vehicles,
  - (c) must specify a period, not exceeding six months and beginning with the date on which it is imposed, during which it has effect, and
  - (d) must state—
    - (i) the information required, and
    - (ii) the date or time by which it is to be provided.
- (7) The Secretary of State may make an order specifying a kind of information under subsection (5)(a) only if satisfied that the nature of the information is such that there are likely to be circumstances in which it can be required under subsection (2) without breaching Convention rights (within the meaning of the Human Rights Act 1998 (c. 42)).
- (8) An order under subsection (5)(a)—
- (a) may apply generally or only to specified cases or circumstances,
  - (b) may make different provision for different cases or circumstances,
  - (c) may specify the form and manner in which the information is to be provided,
  - (d) shall be made by statutory instrument, and
  - (e) shall be subject to annulment in pursuance of a resolution of either House of Parliament.