



# Counter-Terrorism and Security Act 2015

## 2015 CHAPTER 6

### PART 4

#### AVIATION, SHIPPING AND RAIL

#### 22 Authority-to-carry schemes

- (1) The Secretary of State may make one or more schemes requiring a person (a “carrier”) to seek authority from the Secretary of State to carry persons on aircraft, ships or trains which are—
  - (a) arriving, or expected to arrive, in the United Kingdom, or
  - (b) leaving, or expected to leave, the United Kingdom.

A scheme made under this section is called an “authority-to-carry scheme”.

- (2) An authority-to-carry scheme must specify or describe—
  - (a) the classes of carrier to which it applies (which may be all carriers or may be defined by reference to the method of transport or otherwise),
  - (b) the classes of passengers or crew in respect of whom authority to carry must be sought (which may be all of them or may be defined by reference to nationality, the possession of specified documents or otherwise), and
  - (c) the classes of passengers or crew in respect of whom authority to carry may be refused.
- (3) An authority-to-carry scheme may specify or describe a class of person under subsection (2)(c) only if it is necessary in the public interest.
- (4) The Secretary of State may make different authority-to-carry schemes for different purposes and in particular may make different schemes for different types of carrier, journey or person.
- (5) An authority-to-carry scheme must set out the process for carriers to request, and for the Secretary of State to grant or refuse, authority to carry, which may include—
  - (a) a requirement for carriers to provide specified information on passengers or crew by a specified time before travel;

- (b) a requirement for carriers to provide the information in a specified manner and form;
  - (c) a requirement for carriers to be able to receive, in a specified manner and form, communications from the Secretary of State relating to the information provided or granting or refusing authority to carry.
- (6) Information specified under subsection (5)(a) may be information that can be required to be supplied under paragraph 27, 27B or 27BA of Schedule 2 to the Immigration Act 1971, section 32 or 32A of the Immigration, Asylum and Nationality Act 2006 or otherwise.
- (7) The grant or refusal of authority under an authority-to-carry scheme does not determine whether a person is entitled or permitted to enter the United Kingdom.
- (8) So far as it applies in relation to Scotland, an authority-to-carry scheme may be made only for purposes that are, or relate to, reserved matters (within the meaning of the Scotland Act 1998).
- (9) So far as it applies in relation to Northern Ireland, an authority-to-carry scheme may be made only for purposes that are, or relate to, excepted or reserved matters (within the meaning of the Northern Ireland Act 1998).
- (10) In the Nationality, Immigration and Asylum Act 2002 omit section 124 (authority to carry).

### **23 Authority-to-carry schemes: entry into force etc**

- (1) An authority-to-carry scheme comes into force in accordance with regulations made by the Secretary of State by statutory instrument.
- (2) The Secretary of State must not make regulations bringing a scheme into force unless—
- (a) a draft of the regulations and the scheme to which they relate have been laid before Parliament, and
  - (b) the draft regulations have been approved by a resolution of each House.
- (3) If the Secretary of State revises an authority-to-carry scheme, the revised scheme comes into force in accordance with regulations made by the Secretary of State by statutory instrument.
- (4) The Secretary of State must not make regulations bringing a revised scheme into force unless—
- (a) a draft of the regulations and the revised scheme to which they relate have been laid before Parliament, and
  - (b) the draft regulations have been approved by a resolution of each House.
- (5) Regulations under this section may include transitional or saving provision.

### **24 Penalty for breach of authority-to-carry scheme**

- (1) The Secretary of State may make regulations imposing penalties for breaching the requirements of an authority-to-carry scheme.
- (2) Regulations under subsection (1) must identify the authority-to-carry scheme to which they refer.

- (3) Regulations under subsection (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.
- (4) Provision in the regulations about the procedure for imposing a penalty must provide for a carrier to be given an opportunity to object to a proposed penalty in the circumstances set out in the regulations.
- (5) The regulations must provide that no penalty may be imposed on a carrier for breaching the requirements of an authority-to-carry scheme where—
  - (a) the breach consists of a failure to provide information that the carrier has also been required to provide under paragraph 27, 27B or 27BA of Schedule 2 to the Immigration Act 1971 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 paragraph 27BB of Schedule 2 to that Act, or
    - (ii) proceedings have been instituted against the carrier under section 27 of that Act in respect of a failure to provide that information, or
  - (b) the breach consists of a failure to provide information that the carrier 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
    - (ii) proceedings have been instituted against the carrier under section 34 of that Act in respect of a failure to provide that information.
- (6) Any penalty paid by virtue of this section must be paid into the Consolidated Fund.
- (7) Regulations under this section are to be made by statutory instrument; and any such statutory instrument may not be made unless a draft of the instrument has been laid before each House of Parliament and approved by a resolution of each House.

## **25 Aviation, maritime and rail security**

- (1) Schedule 5 makes amendments to do with aviation, maritime and rail security.
- (2) Part 1 of that Schedule makes amendments about passenger, crew and service information in relation to aircraft and ships.
- (3) Part 2 of that Schedule makes amendments of the provisions relating to directions etc in—
  - (a) the Aviation Security Act 1982,
  - (b) the Aviation and Maritime Security Act 1990, and
  - (c) the Channel Tunnel (Security) Order 1994 ([S.I. 1994/570](#)).