

Changes to legislation: Counter-Terrorism and Security Act 2015, Paragraph 1 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 5

AVIATION, MARITIME AND RAIL SECURITY

Modifications etc. (not altering text)

- C1** [Sch. 5](#) extended (Jersey) (with modifications) (coming into force in accordance with art. 1(1) of the amending S.I.) by [The Counter-Terrorism and Security \(Jersey\) Order 2017 \(S.I. 2017/982\)](#), [art. 2\(g\)](#), [Sch. 7](#)

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—
- “27B(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—

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- (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.
- (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.
- 27B(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

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- (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
 - (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).

Modifications etc. (not altering text)

- C1** Sch. 5 paras. 1, 2 extended (with modifications) (11.11.2021) by S.I. 2008/680, art. 22ZA, Sch. 9AA (as inserted by [The Immigration \(Isle of Man\) \(Amendment\) Order 2021 \(S.I. 2021/1277\)](#), arts. 1(2), 7, [Sch.](#))

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

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

- s. 31(1)(ba) inserted by [2023 c. 16 Sch. para. 15\(2\)\(b\)](#)