

## SCHEDULES

### SCHEDULE 5

#### AVIATION, MARITIME AND RAIL SECURITY

#### PART 1

#### PASSENGER, CREW AND SERVICE INFORMATION

#### *Amendments of the Immigration, Asylum and Nationality Act 2006*

7 After that section insert—

#### **“32A Regulations requiring information to be provided to police**

- (1) The Secretary of State may make regulations requiring responsible persons in relation 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, to provide information to the police.
- (2) The following information may be required under subsection (1)—
  - (a) information about the persons on board;
  - (b) information about the voyage or flight.
- (3) Regulations may impose a requirement to provide the information only if the Secretary of State thinks it necessary—
  - (a) in the case of a requirement to provide information to the police in England and Wales, for police purposes;
  - (b) in the case of a requirement to provide information to the police in Scotland, for police purposes which are or relate to reserved matters (within the meaning of the Scotland Act 1998);
  - (c) in the case of a requirement to provide information to the police in Northern Ireland, for police purposes which are or relate to excepted or reserved matters (within the meaning of the Northern Ireland Act 1998).

In this subsection “police purposes” has the same meaning as in section 32.

- (4) The regulations must—
  - (a) specify or describe the classes of ships or aircraft to which they apply;
  - (b) specify the information required to be provided;
  - (c) specify the time by which the information must be provided;

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- (d) specify the form and manner in which the information must be provided.
- (5) The regulations may require responsible persons to be able to receive, in a specified form and manner, communications sent by the police, the Secretary of State or an immigration officer relating to the information.
- (6) Regulations under this section—
  - (a) may apply generally or only to specified cases or circumstances,
  - (b) may make different provision for different cases or circumstances,
  - (c) shall be made by statutory instrument, and
  - (d) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.
- (7) For the purposes of this section, the following are responsible persons in respect of a ship or aircraft—
  - (a) the owner or agent, and
  - (b) the captain.

### **32B Penalty for breach of section 32 or 32A**

- (1) The Secretary of State may make regulations imposing penalties for failure to comply with a requirement imposed—
  - (a) under section 32(2) (provision of passenger, crew or service information), or
  - (b) by regulations made under section 32A (regulations requiring information to be provided to police).
- (2) 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.
- (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 a requirement imposed under section 32(2) or by regulations made under section 32A where—
  - (a) proceedings have been instituted against the person under section 34 in respect of the same failure, or
  - (b) the failure consists of a failure to provide information that the person 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 that Schedule, or

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- (ii) proceedings have been instituted against the person under section 27 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 section must be paid into the Consolidated Fund.
- (6) Regulations under this section—
  - (a) must be made by statutory instrument, and
  - (b) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.”