
DRAFT STATUTORY INSTRUMENTS

2008 No.

**The Immigration, Asylum and Nationality Act
2006 (Duty to Share Information and Disclosure
of Information for Security Purposes) Order 2008**

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Immigration, Asylum and Nationality Act 2006 (Duty to Share Information and Disclosure of Information for Security Purposes) Order 2008 and shall come into force on 1st March 2008.

(2) In this Order—

“the 2006 Act” means the Immigration, Asylum and Nationality Act 2006; and

“shuttle train”, “through train” and “international service” have the same meanings as in the Channel Tunnel (International Arrangements) Order 1993(1).

(3) Any power specified in this Order for the purposes of section 36(4)(a) or section 38(4)(a) of the 2006 Act should be read as including a reference to that power as modified under section 11 of the Channel Tunnel Act 1987 (regulation of the tunnel system: application and enforcement of law, etc).

Duty to share information obtained or held under specified powers

2.—(1) Subject to paragraphs (2) and (3), the powers contained in the provisions set out in Schedule 1 to this Order are specified for the purposes of section 36(4)(a) of the 2006 Act (duty to share information).

(2) The powers are only specified to the extent to which they relate to—

- (a) passengers on a ship or aircraft or through train or shuttle train;
- (b) crew of a ship or aircraft or through train or shuttle train;
- (c) freight on a ship or aircraft or through train or shuttle train; or
- (d) flights or voyages or international services.

(3) A power shall not be construed as being specified if or in so far as it relates to a matter to which section 7 of the Commissioners for Revenue and Customs Act 2005 (former Inland Revenue matters)(2) applies.

Duty to share information relating to other matters specified in respect of travel or freight

3.—(1) Subject to paragraph (2), the matters in respect of travel and freight set out in Schedule 2 to this Order are specified for the purposes of section 36(4)(b) of the 2006 Act (duty to share information).

(2) A matter shall not be construed as being specified if or in so far as—

(1) [S.I. 1993/1813](#); see article 2(1) of, and Schedule 1 to, that instrument for the relevant definitions. [S.I. 1993/1813](#) has been amended by various instruments but none of those amendments are relevant to these definitions.

(2) [2005 c. 11](#). Former Inland Revenue Matters are listed in Schedule 1 to the 2005 Act. Paragraph 26 of Schedule 1 was amended by section 11 of, and paragraph 61 of Schedule 1 to, the Work and Families Act [2006 \(c. 18\)](#).

- (a) disclosure of information relating to it may prejudice an investigation or prosecution whether in the United Kingdom or elsewhere;
- (b) the consent of a third party is required for disclosure of information relating to it and that consent has not been obtained;
- (c) disclosure of information relating to it is likely to cause loss of life or serious injury to any person;
- (d) non-disclosure of information relating to it is necessary for the purpose of safeguarding national security; or
- (e) disclosure of information relating to it would be in breach of an obligation of the United Kingdom or Her Majesty's Government under an international or other agreement.

Disclosure of information for security purposes: information obtained or held under specified powers

4.—(1) Subject to paragraphs (2) and (3), the powers contained in the provisions set out in Schedule 1 to this Order are specified for the purposes of section 38(4)(a) of the 2006 Act (disclosure of information for security purposes).

(2) The powers are only specified to the extent to which they relate to—

- (a) passengers on a ship or aircraft or through train or shuttle train;
- (b) crew of a ship or aircraft or through train or shuttle train;
- (c) freight on a ship or aircraft or through train or shuttle train; or
- (d) flights or voyages or international services.

(3) A power shall not be construed as being specified if or in so far as it relates to a matter to which section 7 of the Commissioner for Revenue and Customs Act 2005 (former Inland Revenue matters) applies.

Disclosure of information for security purposes: information relating to other matters specified in respect of travel or freight

5. The matters in respect of travel and freight set out in Schedule 2 to this Order are specified for the purposes of section 38(4)(b) of the 2006 Act (disclosure of information for security purposes).

Signed by authority of the Secretary of State

Home Office
Date
Treasury
Date

Minister of State
Two of the Lords Commissioners of Her
Majesty's Treasury