

## SCHEDULE 1

Articles 2(1) and 4(1)

Powers specified for the purposes of sections 36(4)(a) and 38(4)(a) of the 2006 Act

### 1. The provisions are—

- (a) an order made under paragraph 27(2) of Schedule 2 to the Immigration Act 1971 (power to require provision of information in respect of a ship or an aircraft)(1);
- (b) paragraph 27B of Schedule 2 to the Immigration Act 1971 (passenger information)(2);
- (c) paragraph 27C of Schedule 2 to the Immigration Act 1971 (notification of non-EEA arrivals on a ship or aircraft)(3);
- (d) section 32 of the 2006 Act (passenger and crew information: police powers)(4);
- (e) section 35 of the Customs and Excise Management Act 1979 (report inwards)(5) and any directions or regulations made under that provision;
- (f) section 64 of the Customs and Excise Management Act 1979 (clearance outwards of ships and aircraft)(6) and any directions made under that provision;
- (g) section 77 of the Customs and Excise Management Act 1979 (information in relation to goods imported or exported)(7);
- (h) section 9 of the Commissioners for Revenue and Customs Act 2005 (ancillary powers); and

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- (1) 1971 c. 77. Paragraph 27(2) of Schedule 2 to the Immigration Act 1971 has been substituted by section 31 of the 2006 Act. Paragraph 27 of Schedule 2 to the 1971 Act applies with modifications in respect of trains arriving and departing the United Kingdom via the Channel Tunnel: articles 4 and 7 of S.I. 1993/1813 and S.I. 1994/1405 (relevant amendments have been made by S.I. 1996/2283; S.I. 2001/1544; S.I. 2006/2627; S.I. 2007/2908; and S.I. 2007/3579) and paragraph 1(11)(r) of Schedule 4 to S.I. 1993/1813 as amended by S.I. 1994/1405 and S.I. 2007/3579.
  - (2) Paragraph 27B of Schedule 2 to the Immigration Act 1971 was inserted by section 18 of the Immigration and Asylum Act 1999 (c. 33) and subsequently amended by section 16 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c. 19) and section 31 of the 2006 Act. Paragraph 27B of Schedule 2 to the 1971 Act applies with modifications in respect of trains arriving and departing the United Kingdom via the Channel Tunnel: articles 4 and 7 of S.I. 1993/1813 and S.I. 1994/1405 (relevant amendments have been made by S.I. 1996/2283; S.I. 2001/1544; S.I. 2006/2627; S.I. 2007/2908; and S.I. 2007/3579) and paragraph 1(11)(s) of Schedule 4 to S.I. 1993/1813 as inserted by S.I. 2000/913 and subsequently amended S.I. 2007/3579.
  - (3) Paragraph 27C of Schedule 2 to the Immigration Act 1971 was inserted by section 19 of the Immigration and Asylum Act 1999. Paragraph 27C of Schedule 2 to the 1971 Act applies with modifications in respect of trains arriving and departing the United Kingdom via the Channel Tunnel: articles 4 and 7 of S.I. 1993/1813 and S.I. 1994/1405 (relevant amendments have been made by S.I. 1996/2283; S.I. 2001/1544; S.I. 2006/2627; S.I. 2007/2908; and S.I. 2007/3579) and paragraph 1(11)(t) of Schedule 4 to S.I. 1993/1813 as inserted by S.I. 2000/913.
  - (4) Section 32 of the 2006 Act has been amended by section 14 of, and Schedule 15 to, the Police and Justice Act 2006 (c. 48) but that amendment is not yet in force. Section 32 of the 2006 Act applies with modifications in respect of trains arriving and departing the United Kingdom via the Channel Tunnel: articles 4 and 7 of S.I. 1993/1813 and S.I. 1994/1405 (relevant amendments have been made by S.I. 1996/2283; S.I. 2001/1544; S.I. 2006/2627; S.I. 2007/2908; and S.I. 2007/3579) and paragraph 3A of Schedule 4 to S.I. 1993/1813 as inserted by S.I. 2007/3579.
  - (5) 1979 c. 2. Section 35 of the 1979 Act has been amended by: section 13 of, and Schedule 1 to, the Isle of Man Act 1979 (c. 58); sections 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48); section 3 of, and paragraph 4 of Schedule 1 to, the Territorial Sea Act 1987 (c. 49); section 35 of the 2006 Act; and S.I. 1992/3095. Section 35 of the 1979 Act (and directions and regulations made under that provision) applies with modifications in respect of through trains arriving and departing the United Kingdom via the Channel Tunnel: articles 3 and 4 of, and the Schedule to, S.I. 1990/2167. See also article 4 of S.I. 1993/1813 and 1994/1405 (relevant amendments have been made by S.I. 1996/2283 and S.I. 2001/1544).
  - (6) Section 64 of the 1979 Act has been amended by: section 13 of, and Schedule 1 to, the Isle of Man Act 1979; sections 37, 38 and 46 of the Criminal Justice Act 1982; section 114 of the Police and Criminal Evidence Act 1984 (c. 60); section 3 of, and paragraph 4 of Schedule 1 to, the Territorial Sea Act 1987; and S.I. 1992/2095. Section 64 of the 1979 Act (and directions made under that provision) applies with modifications in respect of trains arriving and departing the United Kingdom via the Channel Tunnel: articles 3 and 4 of, and the Schedule to, S.I. 1990/2167. See also article 4 of S.I. 1993/1813 and 1994/1405 (relevant amendments have been made by S.I. 1996/2283 and S.I. 2001/1544).
  - (7) Section 77 of the 1979 Act has been amended by: sections 37, 38 and 46 of the Criminal Justice Act 1982; sections 10 and 72 of, and Part 3 of Schedule 16 to, the Finance Act 1987 (c. 11); and S.I. 1992/3095. Section 77(1)(b) of the 1979 Act applies with modifications in respect of trains arriving and departing the United Kingdom via the Channel Tunnel: articles 3 and 4 of, and the Schedule to, S.I. 1990/2167. See also article 4 of S.I. 1993/1813 and 1994/1405 (relevant amendments have been made by S.I. 1996/2283 and S.I. 2001/1544).

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Immigration, Asylum and Nationality Act 2006 (Duty to Share Information and Disclosure of Information for Security Purposes) Order 2008 No. 539*

- (i) Articles 181b (entry summary declaration) and 842a (exit summary declaration) and Annex 30A of Regulation (EEC) No 2454/93(8).
2. Until 1st July 2009 paragraph 1 shall have effect as if sub-paragraph (i) were omitted.

## SCHEDULE 2

Articles 3(1) and 5

Other matters in respect of travel and freight specified for the purposes of sections 36(4)(b) and 38(4)(b) of the 2006 Act

3. The matters are—
- (a) the behaviour or suspected behaviour of a passenger, member of crew or person involved in the supply chain of a freight movement, whether already undertaken or anticipated, and including any possible connection with another person held by that passenger, member of crew or person;
  - (b) the behaviour or suspected behaviour of a person connected or possibly connected to a passenger, member of crew or person involved in the supply chain of a freight movement, whether already undertaken or anticipated, and including any possible connection with another person held by him;
  - (c) any action taken, considered or planned in relation to a passenger, member of crew, person involved in the supply chain of a freight movement or any person connected or possibly connected to any of those persons by—
    - (i) the Secretary of State in so far as he has functions under the Immigration Acts;
    - (ii) a chief officer of police; or
    - (iii) Her Majesty's Revenue and Customs.

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(8) OJ L 253, 11.10.1993 as last amended by Regulation (EC) No 402/2006 (OJ L 70, 9.3.2006). Articles 181b and 842a and Annex 30A were inserted by Regulation (EC) No 1875/2006 (OJ L 360, 19.12.2006) and are applicable from 1st July 2009. Articles 181b and 842a apply in respect of trains arriving and departing the United Kingdom via the Channel Tunnel: article 3 of S.I. 1990/2167. See also article 4 of S.I. 1993/1813 and 1994/1405 (relevant amendments have been made by S.I. 1996/2283 and S.I. 2001/1544).