

Draft Regulations laid before Parliament under paragraphs 27BA(7) and 27BB(6) of Schedule 2 to the Immigration Act 1971 and section 32B(6)(b) of the Immigration, Asylum and Nationality Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2024 No.

IMMIGRATION

POLICE

The General Aviation (Persons on Board, Flight Information and Civil Penalties) Regulations 2024

Made - - - -

Coming into force - -

6th April 2024

The Secretary of State makes these Regulations in exercise of the powers conferred by paragraphs 27BA and 27BB of Schedule 2 to the Immigration Act 1971(a) and section 32B of the Immigration, Asylum and Nationality Act 2006 (“the 2006 Act”)(b).

In accordance with paragraphs 27BA(7) and 27BB(6) of Schedule 2 to the Immigration Act 1971 and section 32B(6)(b) of the 2006 Act, a draft of these Regulations was laid before and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the General Aviation (Persons on Board, Flight Information and Civil Penalties) Regulations 2024 and come into force on 6th April 2024.

(2) These Regulations extend to the United Kingdom.

Requirement to provide information

2.—(1) This regulation applies to an aircraft which—

(a) is expected to arrive in the United Kingdom, or

(b) is expected to leave the United Kingdom.

(a) 1971 c. 77; paragraphs 27BA and 27BB of Schedule 2 were inserted by paragraph 1(1) and (4) of Schedule 5 to the Counter-Terrorism and Security Act 2015 (c. 6).

(b) 2006 c. 13; section 32B was inserted by paragraphs 5 and 7 of Schedule 5 to the Counter-Terrorism and Security Act 2015.

(2) Subject to paragraphs (3), (4) and regulation 3, a responsible person^(a) in respect of an aircraft to which this regulation applies must supply the information specified in the Schedule to the Secretary of State in accordance with regulation 5.

(3) The information specified in the Schedule is not required where the owner or agent of the aircraft is subject to a written requirement to provide passenger or service information imposed by—

- (a) an immigration officer under paragraph 27B(2) of Schedule 2 to the Immigration Act 1971^(b) (passenger information), or
- (b) a constable under section 32(2) of the Immigration Asylum and Nationality Act 2006 (passenger and crew information: police powers).

(4) The information specified in paragraphs 2(a)(v) to (viii) of the Schedule (particulars of persons on board) is not required for a British or Irish citizen on a flight arriving from or leaving for a location within the common travel area.

(5) Where a responsible person has supplied information under paragraph (2), if at any time prior to the aircraft's expected arrival in, or departure from, the United Kingdom the flight is cancelled, the responsible person must inform the Secretary of State of the cancellation in accordance with regulation 5.

Military flights

3.—(1) In this regulation, “military personnel” means—

- (a) a member of His Majesty's armed forces,
- (b) a member of the armed forces of another country who is in, or expected to arrive in, the United Kingdom on the invitation of His Majesty's Government,

travelling in the course of their service.

(2) The information specified in paragraph 2 of the Schedule (particulars of a person on board) is not required in respect of military personnel.

(3) The information specified in paragraph 3 of the Schedule (information which relates to a flight) is not required in respect of a flight with only military personnel on board.

Time limit

4. The information required under regulation 2(2) must be supplied no earlier than forty-eight hours and no later than two hours prior to the aircraft's expected departure for or from the United Kingdom.

Form and manner in which information to be provided and related communications to be received

5.—(1) The information required pursuant to regulation 2(2) must be supplied—

- (a) via the online webservice which has been provided for this purpose by the Secretary of State on www.gov.uk; or
- (b) via the applications or online systems listed on www.gov.uk as having been approved for use for this purpose by the Secretary of State.

(2) If it is not possible for the information to be supplied in accordance with paragraph (1)(a) because of a failure in the webservice provided pursuant to that paragraph the information may

(a) See paragraph 27BA(5) of Schedule 2 to the Immigration Act 1971 for the responsible persons in respect of an aircraft.
(b) Paragraph 27B(2) of Schedule 2 was amended by section 31(1) and (3)(a) of the Immigration, Asylum and Nationality Act 2006.

be supplied to the telephone number or email address provided for this purpose by the Secretary of State on www.gov.uk.

(3) A responsible person who supplies information under regulation 2(2) must be able to receive, during the relevant period, communications relating to that information from the Secretary of State via the telephone number or email address provided pursuant to paragraph 3(k) of the Schedule.

(4) The relevant period under paragraph (3) starts when a responsible person supplies the required information pursuant to regulation 2(2) and ends when the aircraft departs to, or from, the United Kingdom.

Amendment of the Passenger, Crew and Service Information (Civil Penalties) Regulations 2015

6.—(1) The Passenger, Crew and Service Information (Civil Penalties) Regulations 2015(a) are amended as follows.

(2) In regulation 2, before the definition of “authority-to-carry scheme” insert—

““2024 Regulations” means the General Aviation (Persons on Board, Flight Information and Civil Penalties) Regulations 2024;”

(3) In regulation 3—

(a) at the end of the heading insert “ or the 2024 Regulations”; and

(b) after paragraph (5) insert—

“(5A) Paragraph (5B) applies to a person who is required to supply information under regulation 2(2) of the 2024 Regulations.

(5B) The Secretary of State may require the person to pay a penalty if satisfied that—

(a) the person has failed to supply the information by the time specified,

(b) the person has failed to supply the information in the form and manner specified,

(c) the person has failed to comply with a requirement of the 2024 Regulations to be able to receive communications sent by the Secretary of State.

(5C) In paragraph (5B) “specified” means specified in the 2024 Regulations.”.

(4) In regulation 4(4)(b), after “IA 1971” insert “or regulation 2(2) of the 2024 Regulations”.

Minister of State
Home Office

(a) S.I. 2015/961.

SCHEDULE

Regulation 2

Information Specified

Interpretation

1. In this Schedule—

“coordinate” means a coordinate of latitude and longitude according to the World Geodetic System 1984 Datum (WGS84);

“IATA Code” means the International Air Transport Association code for the airport;

“ICAO location indicator” means the four-letter code group formulated in accordance with rules prescribed by the International Civil Aviation Organisation in its manual DOC 7910(a) and assigned to a location;

“UTC” means Coordinated Universal Time, as defined by the International Telecommunications Union.

Particulars of a person on board

2. The information to be supplied in respect of persons on board is—

- (a) the following information as provided on the person’s travel document or identification—
 - (i) full name;
 - (ii) sex in the form M, F, U or X;
 - (iii) date of birth in the format DD/MM/YYYY;
 - (iv) nationality;
 - (v) type of travel document;
 - (vi) number of travel document;
 - (vii) expiry date of travel document in the format DD/MM/YYYY; and
 - (viii) issuing State of travel document;
- (b) whether the person is the captain of the aircraft, a member of crew or a passenger.

Information in respect of a flight

3. The information to be supplied which relates to a flight is—

- (a) the aircraft registration mark;
- (b) the aircraft type;
- (c) the aircraft’s home aerodrome or usual base expressed as an ICAO location indicator or IATA code or, where neither is available, a coordinate;
- (d) the expected departure date in the format DD/MM/YYYY;
- (e) the expected departure time in the four character UTC;

(a) 188th Edition, June 2023. SKU: DOC-07910-188-01.

- (f) the expected arrival date in the format DD/MM/YYYY;
- (g) the expected arrival time in the four character UTC;
- (h) the expected place of departure and arrival expressed by reference to—
 - (i) the ICAO location indicator;
 - (ii) the IATA code, or
 - (iii) a coordinate (where neither an ICAO location indicator nor IATA code is available).
- (i) the number of persons on board the aircraft; and
- (k) the name, address, email address and contact telephone number of the responsible person.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the advance reporting requirements for those operating general aviation flights to and from the UK along with the time limits for the supply of such information, the form and manner in which the information is to be supplied and requirements as to the receipt of communications from the Secretary of State or an immigration officer.

Regulation 2 requires the responsible person in respect of an aircraft to supply specified information relating to persons on board and the flight to the Secretary of State. The information which must be supplied is set out in the Schedule.

Regulation 3 exempts military personnel travelling in the course of their employment and flights with only military personnel on board.

Regulation 4 sets out the time limit for the provision of the information.

Regulation 5 sets out the form and manner in which the information is to be supplied and requires the responsible persons in respect of the aircraft to be able to receive communications from the Secretary of State in relation to the information supplied. The Secretary of State will publish on the relevant page of www.gov.uk a list of approved applications and online systems under regulation 5(1)(b).

Regulation 6 amends the Passenger, Crew and Service Information (Civil Penalties) Regulations 2015 (S.I. 2015/961) so that a failure to comply with the information requirements may give rise to a penalty.

A full Impact Assessment has not been prepared for this instrument because a consultation-stage impact assessment of the regulations was carried out and published alongside the consultation document. A copy of that assessment is available from the Home Office, 2 Marsham Street, London SW1P 4DF.

© Crown Copyright 2023

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

£5.78

<http://www.legislation.gov.uk/id/ukdsi/2024/9780348254365>

ISBN 978-0-34-825436-5



9 780348 254365