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## SCHEDULES

### SCHEDULE 2

#### ADMINISTRATIVE PROVISIONS AS TO CONTROL ON ENTRY ETC.

##### Modifications etc. (not altering text)

- C1** Sch. 2 modified (10.6.1991) by [Criminal Justice \(International Co-operation\) Act 1990 \(c. 5, SIF 39:1\), s. 6\(6\)\(b\)](#); S.I. 1991/1072, art. 2, [Sch. Pt. I](#)
- C1** Sch. 2 modified (2.8.1993) by S.I. 1993/1813, arts. 7(1), 1, [Sch. 4 para. 1\(11\)](#) (as amended: (1.12.1997) by S.I. 1994/1405, art. 8, [Sch. 4 para. 11](#); (30.7.2000) by S.I. 2000/1775, arts. 1, [2\(2\)](#); (25.5.2001) by S.I. 2001/1544, arts. 1(2), [6\(3\)](#) (as itself amended (2.1.2008) by S.I. 2007/3579, [art. 2\(2\)\(3\)](#)); (5.8.2014) by S.I. 2014/1814, arts. 1, [2\(3\)\(4\)](#); and (30.9.2020) by S.I. 2020/915, arts. 1(2), [5\(5\)](#))  
Sch. 2 extended (with modifications): (Guernsey) (1.8.1993) by S.I. 1993/1796, art. 3(1), [Sch. 1 Pt. 1](#); (Jersey) (1.8.1993) by S.I. 1993/1797, art. 3(1), [Sch. 1 Pt. 1](#) (as amended (17.10.2012) by S.I. 2012/2593, arts. 1, [2\(2\)](#))  
Sch. 2 applied (20.7.1994) by S.I. 1994/1895, [art. 20\(2\)](#)  
Sch. 2 amended (2.10.2000) by 1999 c. 33, s. 66; S.I. 2000/2444, art. 2, [Sch. 1](#) (subject to transitional provisions in [art. 3, Sch. 2 para. 2](#))  
Sch. 2 extended (10.2.2003) (with modifications) by 2002 c. 41, s. 62(3) (with s. 159); S.I. 2003/1, [art. 2, Sch. 2, Sch.](#)  
Sch. 2 amended (1.4.2003) by 2002 c. 41, s. 68 (with s. 159); S.I. 2003/754, art. 2, [Sch. 1](#) (with transitional provisions in [arts. 3, 4, Sch. 2](#)) (as amended by S.I. 2003/1040 and S.I. 2003/1339)
- C1** Sch. 2 applied by [The Immigration \(European Economic Area\) Regulations 2006 \(S.I. 2006/1003\), reg. 24\(4\)](#) (as substituted (1.6.2009) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2009 \(S.I. 2009/1117\), reg. 2, Sch. 1 para. 10\(c\)](#))
- C1** Sch. 2 amendment to earlier affecting S.I. 1993/1797, Sch. 1 Pt. 1 (17.10.2012 coming into force in accordance with art. 1) by [The Immigration and Asylum \(Jersey\) Order 2012 \(S.I. 2012/2593\), arts. 1, 2\(2\)](#)
- C1** Sch. 2 applied in part (with modifications) by S.I. 2006/1003, reg. 29AA(6)(7) (as inserted (28.7.2014) by [The Immigration \(European Economic Area\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/1976\), reg. 1, Sch. para. 8](#) (with reg. 4))
- C1** Sch. 2 amendment to earlier affecting provision S.I. 1993/1813 Sch. 4 para. 1(11) (5.8.2014) by [The Channel Tunnel \(International Arrangements\) \(Amendment\) Order 2014 \(S.I. 2014/1814\), arts. 1, 2\(3\), \(4\)](#)

### PART I

#### GENERAL PROVISIONS

##### Modifications etc. (not altering text)

- C1** Sch. 2 Pt. I applied (with modifications) (2.10.2000) by 1999 c. 33, s. 58(3), [Sch. 4 Pt. II para. 12](#); S.I. 2000/2444, art. 2, [Sch. 1](#) (subject to transitional provisions in [art. 3, Sch. 2 para. 2](#))

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Sch. 2 Pt. I amended (2.10.2000) by 1999 c. 33, s. 58(3), **Sch. 4 Pt. II para. 15**; S.I. 2000/2444, art. 2, **Sch. 1** (subject to transitional provisions in art. 3, Sch. 2 para. 2)  
 Sch. 2 Pt. I applied (with modifications) (2.10.2000 with application as mentioned in regs. 9, 28) by S.I. 2000/2326, reg. 32(3)(7) (as substituted (1.4.2003) for reg. 34(3)(10) by S.I. 2003/549, **reg. 2(8)** (with reg. 3))

*[<sup>F1</sup> Passenger information]*

**Textual Amendments**

**F1** Heading inserted (3.4.2000) by 1999 c. 33, s. 18; S.I. 2000/464, art. 2, **Sch.**

- <sup>F2</sup>27B(1) This paragraph applies 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.
- (2) If an immigration officer asks the owner or agent (“the carrier”) of a ship or aircraft for passenger information [<sup>F3</sup>or service information], the carrier must provide that information to the officer.
- (3) The officer may ask for passenger information [<sup>F3</sup>or service information] relating to—
- (a) a particular ship or particular aircraft of the carrier;
  - (b) particular ships or aircraft (however described) of the carrier; or
  - (c) all of the carrier’s ships or aircraft.
- (4) The officer may ask for—
- (a) all passenger information [<sup>F3</sup>or service information] in relation to the ship or aircraft concerned; or
  - (b) particular passenger information [<sup>F3</sup>or service information] in relation to that ship or aircraft.
- (5) A request under sub-paragraph (2)—
- (a) must be in writing;
  - (b) must state the date on which it ceases to have effect; and
  - (c) continues in force until that date, unless withdrawn earlier by written notice by an immigration officer.
- (6) The date may not be later than six months after the request is made.
- (7) The fact that a request under sub-paragraph (2) has ceased to have effect as a result of sub-paragraph (5) does not prevent the request from being renewed.
- (8) The information must be provided—
- (a) in such form and manner as the Secretary of State may direct; and
  - (b) at such time as may be stated in the request.
- [ The officer may require a carrier to be able to receive communications from the <sup>F4</sup>(8A) officer in such form and manner as the Secretary of State may direct.]
- (9) “Passenger information” means such information relating to the passengers carried, or expected to be carried, by the ship or aircraft as may be specified.

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[“Service information” means such information relating to the voyage or flight<sup>F5</sup>(9A) undertaken by the ship or aircraft as may be specified.]

(10) “Specified” means specified in an order made by statutory instrument by the Secretary of State.

(11) Such an instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

- F2** Sch. 2 para. 27B inserted (3.4.2000) by 1999 c. 33, s. 18; S.I. 2000/464, art. 2, Sch. (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, art. 2, Sch.)
- F3** Words in Sch. 2 para. 27B inserted (5.11.2007 for certain purposes and 1.3.2008 otherwise) by Immigration, Asylum and Nationality Act 2006 (c. 13), ss. 31(3)(a), 62; S.I. 2007/3138, arts. 2(d), 3(b) (as amended by S.I. 2007/3580, art. 2)
- F4** Sch. 2 para. 27B(8A) inserted (12.2.2015) by Counter-Terrorism and Security Act 2015 (c. 6), s. 52(5), Sch. 5 para. 1(3)
- F5** Sch. 2 para. 27B(9A) inserted (5.11.2007 for certain purposes and 1.3.2008 otherwise) by Immigration, Asylum and Nationality Act 2006 (c. 13), ss. 31(3)(b), 62; S.I. 2007/3138, arts. 2(d), 3(b) (as amended by S.I. 2007/3580, art. 2)

[<sup>F6</sup>27B(A)] 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—

- (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.

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- (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.

#### Textual Amendments

**F6** Sch. 2 paras. 27BA, 27BB inserted (12.2.2015) by [Counter-Terrorism and Security Act 2015 \(c. 6\), s. 52\(5\)](#), [Sch. 5 para. 1\(4\)](#)

- 27BB (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
  - (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.

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- (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.]

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**Textual Amendments**

- F6** Sch. 2 paras. 27BA, 27BB inserted (12.2.2015) by [Counter-Terrorism and Security Act 2015 \(c. 6\)](#), s. 52(5), [Sch. 5 para. 1\(4\)](#)

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