

COUNTER-TERRORISM AND SECURITY ACT 2015

EXPLANATORY NOTES

PART 4: AVIATION, SHIPPING AND RAIL

Commentary on Sections

Section 22: Authority-to-carry schemes

100. *Subsection (1)* enables the Secretary of State to operate an authority-to-carry (ATC) scheme or schemes whereby a carrier must seek authority to carry persons on inbound or outbound journeys who come within the scope of a scheme. An ATC scheme may apply to travel to or from the UK and may apply to aircraft, ships or trains.
101. *Subsection (2)* sets out what any ATC scheme must specify or describe. Any ATC scheme must state the classes of carriers to which it applies, the passengers and crew in respect of whom authority must be requested and the classes of passengers or crew in respect of whom a carrier may be refused authority to carry.
102. *Subsection (3)* provides that a scheme may specify or describe the categories of passengers or crew in respect of whom authority to carry may be refused only if it is necessary in the public interest.
103. *Subsection (4)* allows for different schemes to be made for different purposes, including different types of carrier, journey or person.
104. *Subsection (5)* requires that any scheme sets out the process for carriers to request authority to carry and the process for authority to carry to be granted or refused. This may include requirements for carriers to provide specified passenger or crew information by a specified time before travel, to provide that information in a specified manner and form or to be able to receive communications in a specified manner from the Secretary of State, relating to the information or granting or refusing authority to carry.
105. *Subsection (6)* makes further provision about the information that may be required to be provided by carriers in order for an ATC scheme to work, such as information that a carrier could be required to provide under other statutory provisions (specifically 27 to 27BA of Schedule 2 to the Immigration Act 1971 and sections 32 or 32A of the Immigration, Asylum and Nationality Act 2006 (“IANA 2006”)), or it could specify information without reference to those statutory provisions.
106. *Subsection (7)* provides that a decision about whether to grant authority under the scheme does not indicate whether the person is entitled or permitted to enter the United Kingdom.
107. *Subsections (8) and (9)* provide that an ATC scheme applies to Scotland or to Northern Ireland only to the extent that it is made for purposes that are, or relate to, reserved matters in Scotland or excepted or reserved matters in Northern Ireland.

*These notes refer to the Counter-Terrorism and Security Act
2015 (c.6) which received Royal Assent on 12 February 2015*

108. *Subsection (10)* repeals the existing authority to carry provision at section 124 of the Nationality, Immigration and Asylum Act 2002. The Security and Travel Bans Authority to Carry Scheme 2012 (“the 2012 Scheme”) and the Nationality, Immigration and Asylum Act 2002 (Authority to Carry) Regulations 2012 (“the 2012 Regulations”) made under section 124 will also cease to have effect when *subsection (10)* is brought into force (which will be done by commencement regulations: see section 52(3)(b)).