
STATUTORY INSTRUMENTS

2008 No. 5

The Immigration and Police (Passenger,
Crew and Service Information) Order 2008

PART 1

General

Citation and commencement

1. This Order may be cited as the Immigration and Police (Passenger, Crew and Service Information) Order 2008 and shall come into force on 1st March 2008.

Interpretation

2.—(1) In this Order—

“the 1971 Act” means the Immigration Act 1971;

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

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

(2) For the purposes of this Order, information is known to the owner or agent of a ship or aircraft or a person operating an international service or his agent (“carrier”) if it is held by that carrier and—

(a) if information of that nature is routinely held by the carrier on their carrier reservation system, departure control system or equivalent system; or

(b) if the information is obtained in the ordinary course of the carrier’s business and is requested notwithstanding the fact that it is not held, or is not held routinely, on such a system.

PART 2

Power of immigration officer to require passenger list and particulars of crew

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3.—(1) This article applies to—

(a) a ship or aircraft arriving or expected to arrive in, or leaving or expected to leave, the United Kingdom; and

(1) S.I. 1993/1813. This instrument has been amended by S.I. 1994/1405, S.I. 1996/2283, S.I. 2000/913, S.I. 2000/1775, S.I. 2001/178, S.I. 2001/418, S.I. 2001/1544, S.I. 2001/3707, S.I. 2003/2799, S.I. 2005/3389, S.I. 2006/1003, S.I. 2006/2626, S.I. 2007/2907; and S.I. 2007/3579.

(b) a through train or shuttle train arriving or expected to arrive in, or leaving or expected to leave, the United Kingdom.

(2) Subject to paragraph (4), an immigration officer may require a responsible person in respect of a ship or aircraft to which this article applies to supply—

(a) a passenger list showing the names and nationality or citizenship of passengers arriving or leaving the United Kingdom on board the ship or aircraft; and

(b) the particulars of members of the crew of the ship or aircraft which are set out in paragraph 1 of Schedule 1.

(3) Subject to paragraph (4), an immigration officer may, in relation to a train to which this article applies, require a train manager or a person operating an international service or his agent to supply—

(a) a passenger list showing the names and nationality or citizenship of passengers arriving or leaving the United Kingdom on board the train; and

(b) the particulars of members of the crew of the train which are set out in paragraph 1 of Schedule 1.

(4) The information which may be requested under this article may only be requested to the extent to which it is known by the responsible person, train manager or person operating an international service or his agent in circumstances where the information is to be provided before a point in time at which passengers have boarded the ship or aircraft or through train or shuttle train in preparation for departure and it is no longer possible for further passengers or crew to do so.

(5) Where information has been requested in circumstances set out in paragraph (4), nothing in this article prevents that same information being requested from the responsible person, train manager or person operating an international service or his agent a second time where those same circumstances do not apply.

(6) For the purposes of paragraphs (2), (4) and (5) a responsible person is one of the persons specified in paragraph 27(4) of Schedule 2 to the 1971 Act⁽²⁾.

Form and manner in which passenger list and particulars of crew to be provided: immigration officers

4. A passenger list and particulars of crew shall be provided under article 3 in an electronic form that is compatible with the technology used by the recipient of the data unless an alternative form and manner of information transmission is authorised by the recipient of the information.

PART 3

Acquisition of passenger and service information by immigration officer

Passenger and service information: immigration officers

5.—(1) Subject to paragraph (2), the passenger information and service information set out in paragraphs 2 (information which relates to passengers) and 3 (information which relates to a voyage or flight or international service) of Schedule 1 is specified for the purposes of paragraph 27B(9) and (9A) of Schedule 2 to the 1971 Act (passenger and service information)⁽³⁾.

(2) The information set out in paragraphs 2 and 3 of Schedule 1 is only specified for the purposes of paragraph 27B(9) and (9A) of Schedule 2 to the 1971 Act to the extent to which it is known by the owner or agent of a ship or aircraft or by the person operating an international service or his agent

(2) Paragraph 27(4) of Schedule 2 to the 1971 Act was inserted by section 31 of the 2006 Act.

(3) Paragraph 27B(9A) of Schedule 2 to the 1971 Act was inserted by section 31 of the 2006 Act.

in circumstances where the information is to be provided before a point in time at which passengers have boarded the ship or aircraft or through train or shuttle train in preparation for departure and it is no longer possible for further passengers or crew to do so.

(3) Where information set out in paragraph 2 or 3 of Schedule 1 has been requested in circumstances set out in paragraph (2), nothing in this article prevents that same information being requested from the owner or agent of a ship or aircraft or from the person operating an international service or his agent a second time where those same circumstances do not apply.

(4) The passenger information and service information set out in Schedule 2 is specified for the purposes of paragraph 27B(9) and (9A) of Schedule 2 to the 1971 Act to the extent to which it is known to the owner or agent of a ship or aircraft or to the person operating an international service or his agent.

PART 4

Police acquisition of passenger and service information

Passenger and service information: police

6.—(1) Subject to paragraph (2), the passenger and service information set out in Schedule 3 is specified for the purposes of section 32(5)(a) of the 2006 Act (passenger and crew information: police powers) in respect of ships and aircraft and through trains and shuttle trains arriving or expected to arrive in, or leaving or expected to leave, the United Kingdom.

(2) The information set out in Schedule 3 is only specified for the purposes of section 32(5)(a) of the 2006 Act to the extent to which it is known by the owner or agent of a ship or aircraft or by the person operating an international service or his agent in circumstances where the information is to be provided before a point in time at which passengers have boarded the ship or aircraft or through train or shuttle train in preparation for departure and it is no longer possible for further passengers or crew to do so.

(3) Where information set out in Schedule 3 has been requested in circumstances set out in paragraph (2), nothing in this article prevents that same information being requested from the owner or agent of a ship or aircraft or from the person operating an international service or his agent a second time where those same circumstances do not apply.

(4) The passenger and service information set out in Schedule 4 is specified for the purposes of section 32(5)(a) of the 2006 Act to the extent to which it is known by the owner or agent of a ship or aircraft or by the person operating an international service or his agent.

Form and manner in which passenger and service information to be provided: police

7. Passenger and service information shall be provided under section 32 of the 2006 Act in an electronic form that is compatible with the technology used by the recipient of the data unless an alternative form and manner of information transmission is authorised by the recipient of the information.

Revocations

8. The following instruments are revoked—

- (a) The Immigration (Particulars of Passengers and Crew) Order 1972(4);

(4) [S.I. 1972/1667](#) which has been amended by [S.I. 1975/980](#).

- (b) The Immigration (Particulars of Passengers and Crew) (Amendment) Order 1975⁽⁵⁾; and
- (c) The Immigration (Passenger Information) Order 2000⁽⁶⁾.

Home Office
3rd January 2008

Tony McNulty
Minister of State

⁽⁵⁾ S.I. 1975/980.
⁽⁶⁾ S.I. 2000/912.