

2015 No. 859

IMMIGRATION

The Immigration and Police (Passenger, Crew and Service Information) (Amendment) Order 2015

<i>Made</i>	- - - -	<i>19th March 2015</i>
<i>Laid before Parliament</i>		<i>25th March 2015</i>
<i>Coming into force</i>	- -	<i>15th April 2015</i>

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

The Secretary of State is satisfied that the nature of the information specified in this Order for the purposes of section 32 of the Immigration, Asylum and Nationality Act 2006 is such that there are likely to be circumstances in which it can be required under that provision without breaching Convention rights (within the meaning of the Human Rights Act 1998(c)).

Citation and commencement

1. This Order may be cited as the Immigration and Police (Passenger, Crew and Service Information) (Amendment) Order 2015 and comes into force on 15th April 2015.

Amendments to the Immigration and Police (Passenger, Crew and Service Information) Order 2008

2.—(1) The Immigration and Police (Passenger, Crew and Service Information) Order 2008(d) is amended as follows.

(2) Before article 1, which is renumbered article 1(1), in the heading, for “Citation and commencement” substitute “Citation, commencement and expiry”.

(3) After article 1(1), at the end, insert—

“(2) This Order shall cease to have effect at the end of the period of seven years beginning with the day on which the Police (Passenger, Crew and Service Information) (Amendment) Order 2015 comes into force.”

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- (a) 1971 c.77; paragraph 27 of Schedule 2 was amended by section 31(1) and (2) of the Immigration, Asylum and Nationality Act 2006 (c. 13) and by paragraph 1(1) and (2) of Schedule 5 to the Counter-Terrorism and Security Act 2015 (c. 6); paragraph 27B of Schedule 2 was inserted by section 18 of the Immigration and Asylum Act 1999 (c. 33), and relevant amendments were made by section 31(1) and (3) of the Immigration, Asylum and Nationality Act 2006 and by paragraph 1(1) and (3) of Schedule 5 to the Counter-Terrorism and Security Act 2015.
- (b) 2006 c.13; section 32 was amended by the Police and Justice Act 2006 (c.48), section 14(1), (2) and (3), section 52 and Part 2 of Schedule 15 and by the Counter-Terrorism and Security Act 2015, section 25(1) and (2) and paragraphs 5 & 6 of Schedule 5.
- (c) 1998 c 42. The requirement set out in the second recital reflects the terms of section 32(7) of the 2006 Act.
- (d) S.I. 2008/5.

(4) For article 4, substitute—

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

4. A passenger list and particulars of crew shall be provided under article 3—

- (a) in an electronic form that is compatible with the technology used by the Secretary of State; and
- (b) by means of a system which enables the carrier to send communications to, and receive communications from, the Secretary of State or an immigration officer relating to the information provided,

unless an alternative form and manner of information transmission is authorised by the Secretary of State or an immigration officer.”

(5) For each of paragraphs 1(b) and 2(b) of Schedule 1 and paragraphs 1(b) and 2(b) of Schedule 3, substitute—

“(b) where a travel document is not held, the following information—

- (i) full name;
- (ii) gender;
- (iii) date of birth;
- (iv) nationality;
- (v) type of identification relied upon;
- (vi) number of identification relied upon;
- (vii) expiry date of identification relied upon; and
- (viii) issuing State of identification relied upon;”.

Home Office
19th March 2015

James Brokenshire
Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order inserts a sunset clause in article 1 of the Immigration and Police (Passenger, Crew and Service Information) Order 2008 (S.I. 2008/5) (“the 2008 Order”). It also replaces article 4 of the 2008 Order in order to enable the Secretary of State to require carriers to install systems which enable them to receive communications about passenger lists and service information which they have provided in the prescribed manner.

It amends paragraphs 1(b) and 2(b) of Schedules 1 and 3 to the 2008 Order so that an immigration officer or a constable of the rank of Superintendent or above requiring the provision of passenger or crew information under the Order may require someone who does not hold a travel document to provide details of their full name, gender, date of birth, nationality and the type, number, expiry date and issuing State of the identification relied upon.

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