

2008 No. 5

IMMIGRATION

POLICE

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

<i>Made</i> - - - -	<i>3rd January 2008</i>
<i>Laid before Parliament</i>	<i>10th January 2008</i>
<i>Coming into force</i> - -	<i>1st March 2008</i>

The Secretary of State makes the following Order in exercise of the powers conferred by paragraphs 27 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)).

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.

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- (a) 1971 c. 77. Paragraph 27 of Schedule 2 to the 1971 Act has been amended by section 31 of the Immigration, Asylum and Nationality Act 2006 (c. 13). Paragraph 27B of Schedule 2 to the 1971 Act was inserted by section 18 of the Immigration and Asylum Act 1999 (c. 33) and subsequently amended by section 16 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c. 19) and section 31 of the Immigration, Asylum and Nationality Act 2006 (c. 13). Paragraphs 27 and 27B of Schedule 2 to the 1971 Act apply with modifications in respect of trains arriving and departing the United Kingdom via the Channel Tunnel: articles 4 and 7 of S.I. 1993/1813 and S.I. 1994/1405 (relevant amendments have been made by S.I. 1996/2283; S.I. 2001/1544; S.I. 2006/2627; S.I. 2007/2908; and S.I. 2007/3579); paragraph 1(11)(r) of Schedule 4 to S.I. 1993/1813 as amended by S.I. 1994/1405 and S.I. 2007/3579; and paragraph 1(11)(s) of Schedule 4 to S.I. 1993/1813 as inserted by S.I. 2000/913 and subsequently amended by S.I. 2007/3579.
- (b) 2006 c. 13. Section 32 of the 2006 Act has been amended by section 14 of, and Schedule 15 to, the Police and Justice Act 2006 (c. 48) but that amendment is not yet in force. Section 32 applies with modifications to trains arriving and departing the United Kingdom via the Channel Tunnel: articles 4 and 7 of S.I. 1993/1813 and S.I. 1994/1405; and paragraph 3A of Schedule 4 to S.I. 1993/1813 as inserted by S.I. 2007/3579.
- (c) 1998 c. 42. The requirement set out in the second recital reflects the terms of section 32(7) of the 2006 Act.

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(a).

(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

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

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
- (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

(a) 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.

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^(a).

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)^(b).

(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 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

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

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

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

Home Office
3rd January 2008

Tony McNulty
Minister of State

SCHEDULE 1

Articles 3(2)(b) and 5(1)

Information specified: immigration

Particulars of crew

1. The information is—

- (a) the following information as provided on the member of crew's travel document—
 - (i) full name;
 - (ii) gender;
 - (iii) date of birth;
 - (iv) nationality;
 - (v) type of travel document held;
 - (vi) number of travel document held;
 - (vii) expiry date of travel document held; and
 - (viii) issuing State of travel document held;

(a) S.I. 1972/1667 which has been amended by S.I. 1975/980.
(b) S.I. 1975/980.
(c) S.I. 2000/912.

- (b) where a travel document is not held, the type of identification relied upon together with the number, expiry date and issuing State of that identification;
- (c) the vehicle registration number of any vehicle in which the member of crew is travelling and which is being transported by ship or by aircraft or by through train or shuttle train and, if the vehicle has a trailer, the trailer registration number;
- (d) the number of crew on board the ship or aircraft or through train or shuttle train;
- (e) the fact that the person is a member of crew; and
- (f) in relation to crew on a ship—
 - (i) the place of birth of the member of crew; and
 - (ii) the rank, rating or equivalent of the member of crew.

Information which relates to passengers

2. The information is—

- (a) the following information as provided on the passenger's travel document—
 - (i) full name;
 - (ii) gender;
 - (iii) date of birth;
 - (iv) nationality;
 - (v) type of travel document held;
 - (vi) number of travel document held;
 - (vii) expiry date of travel document held; and
 - (viii) issuing State of travel document held;
- (b) where a travel document is not held, the type of identification relied upon together with the number, expiry date and issuing State of that identification; and
- (c) the vehicle registration number of any vehicle in which the passenger is travelling and which is being transported by ship or by aircraft or by through train or shuttle train and, if the vehicle has a trailer, the trailer registration number.

Information which relates to a voyage or flight or international service

3. The information is—

- (a) flight number, ship name, train service number or carrier running number;
- (b) name of carrier;
- (c) nationality of ship;
- (d) scheduled departure date;
- (e) scheduled departure time;
- (f) scheduled arrival date;
- (g) scheduled arrival time;
- (h) place and country from which the voyage or flight or international service departed immediately prior to arrival into the United Kingdom;
- (i) place in the United Kingdom into which the voyage or flight or international service first arrives from overseas;
- (j) any place in the United Kingdom to which a voyage or flight or international service which has arrived into the United Kingdom from overseas will subsequently go; and
- (k) number of passengers.

Information specified to extent known by carrier: immigration

1. The passenger and service information is the following details in respect of a passenger—
 - (a) name as it appears on the reservation;
 - (b) place of birth;
 - (c) issue date of travel document;
 - (d) address;
 - (e) sex;
 - (f) any contact telephone number;
 - (g) e-mail address;
 - (h) travel status of passenger, which indicates whether reservation is confirmed or provisional and whether the passenger has checked in;
 - (i) the number of pieces and description of any baggage carried;
 - (j) any documentation provided to the passenger in respect of his baggage;
 - (k) date of intended travel;
 - (l) ticket number;
 - (m) date and place of ticket issue;
 - (n) seat number allocated;
 - (o) seat number requested;
 - (p) check-in time, regardless of method;
 - (q) date on which reservation was made;
 - (r) identity of any person who made the reservation;
 - (s) any travel agent used;
 - (t) any other name that appears on the passenger's reservation;
 - (u) number of passengers on the same reservation;
 - (v) complete travel itinerary for passengers on the same reservation;
 - (w) the fact that a reservation in respect of more than one passenger has been divided due to a change in itinerary for one or more but not all of the passengers;
 - (x) Code Share Details^(a);
 - (y) method of payment used to purchase ticket or make a reservation;
 - (z) details of the method of payment used, including the number of any credit, debit or other card used;
 - (aa) billing address;
 - (bb) booking reference number, Passenger Name Record Locator and other data locator used by the carrier to locate the passenger within its information system;
 - (cc) the class of transport reserved;
 - (dd) the fact that the reservation is in respect of a one-way journey;
 - (ee) all historical changes to the reservation;
 - (ff) General Remarks;
 - (gg) Other Service Information (OSI);

(a) These indicate the name of any other carrier who will carry the passenger.

- (hh) System Service Information (SSI) and System Service Request information (SSR);
- (ii) identity of the individual who checked the passenger in for the voyage or flight or international service;
- (jj) Outbound Indicator, which identifies where a passenger is to travel on to from the United Kingdom;
- (kk) Inbound Connection Indicator, which identifies where a passenger started his journey before he travels onto the United Kingdom;
- (ll) the fact that the passenger is travelling as part of a group;
- (mm) the expiry date of any entry clearance held in respect of the United Kingdom;
- (nn) card number and type of any frequent flyer or similar scheme used;
- (oo) Automated Ticket Fare Quote (ATFQ), which indicates the fare quoted and charged;
- (pp) the fact that the passenger is under the age of eighteen and unaccompanied; and
- (qq) where the passenger is a person under the age of eighteen and unaccompanied—
 - (i) age;
 - (ii) languages spoken;
 - (iii) any special instructions provided;
 - (iv) the name of any departure agent who will receive instructions regarding the care of the passenger;
 - (v) the name of any transit agent who will receive instructions regarding the care of the passenger;
 - (vi) the name of any arrival agent who will receive instructions regarding the care of the passenger;
 - (vii) the following details in respect of the guardian on departure—
 - (aa) name;
 - (bb) address;
 - (cc) any contact telephone number; and
 - (dd) relationship to passenger; and
 - (viii) the following details in respect of the guardian on arrival—
 - (aa) name;
 - (bb) address;
 - (cc) any contact telephone number; and
 - (dd) relationship to passenger.

SCHEDULE 3

Article 6(1)

Information specified: police

Information which relates to members of crew

1. The information is—
 - (a) the following information as provided on the member of crew's travel document—
 - (i) full name;
 - (ii) gender;
 - (iii) date of birth;
 - (iv) nationality;

- (v) type of travel document held;
 - (vi) number of travel document held;
 - (vii) expiry date of travel document held; and
 - (viii) issuing State of travel document held;
- (b) where a travel document is not held, the type of identification relied upon together with the number, expiry date and issuing State of that identification; and
- (c) the vehicle registration number of any vehicle in which the member of crew is travelling and which is being transported by ship or by aircraft or by through train or shuttle train and, if the vehicle has a trailer, the trailer registration number.

Information which relates to passengers

2. The information is—

- (a) the following information as provided on the passenger's travel document—
- (i) full name;
 - (ii) gender;
 - (iii) date of birth;
 - (iv) nationality;
 - (v) type of travel document held;
 - (vi) number of travel document held;
 - (vii) expiry date of travel document held; and
 - (viii) issuing State of travel document held;
- (b) where a travel document is not held, the type of identification relied upon together with the number, expiry date and issuing State of that identification; and
- (c) the vehicle registration number of any vehicle in which the passenger is travelling and which is being transported by ship or by aircraft or by through train or shuttle train and, if the vehicle has a trailer, the trailer registration number.

Information which relates to a voyage or flight or international service

3. The information is—

- (a) flight number, ship name, train service number or carrier running number;
- (b) name of carrier;
- (c) nationality of ship;
- (d) scheduled departure date;
- (e) scheduled departure time;
- (f) scheduled arrival date;
- (g) scheduled arrival time;
- (h) place and country from which the voyage or flight or international service departed immediately prior to arrival into the United Kingdom;
- (i) place in the United Kingdom into which the voyage or flight or international service first arrives from overseas;
- (j) any place in the United Kingdom to which a voyage or flight or international service which has arrived into the United Kingdom from overseas will subsequently go; and
- (k) number of passengers.

Information specified to extent known by carrier: police

1. The passenger and service information is the following in respect of a passenger or, in so far as it applies (whether expressly or otherwise), in respect of a member of crew—

- (a) name as it appears on the reservation;
- (b) address;
- (c) any contact telephone number;
- (d) fax number;
- (e) e-mail address;
- (f) internet address;
- (g) travel status of passenger or member of crew, which indicates whether reservation is confirmed or provisional and whether the passenger or member of crew has checked in;
- (h) the number of pieces and description of any baggage carried;
- (i) any documentation provided to the passenger or member of crew in respect of baggage;
- (j) ticket number;
- (k) date and place of ticket issue;
- (l) seat number allocated;
- (m) seat number requested;
- (n) check-in time, regardless of method;
- (o) date on which reservation was made;
- (p) identity of any person who made the reservation;
- (q) any other name that appears on the passenger's or member of crew's reservation;
- (r) the fact that a reservation in respect of more than one passenger or member of crew has been divided due to a change in itinerary for one or more but not all of the passengers or members of crew;
- (s) Code Share Details^(a);
- (t) method of payment used to purchase ticket or make reservation;
- (u) details of the method of payment used, including the number of any credit, debit or other card used;
- (v) Passenger Name Record Locator or other data locator used by the carrier to locate the passenger or member of crew within its information system;
- (w) the name, address and contact details of the passenger's or member of crew's sponsor in the United Kingdom;
- (x) the fact that the passenger is under the age of eighteen and unaccompanied;
- (y) the fact that the passenger is under the age of eighteen and travelling with a person who has not declared himself to be a family member; and
- (z) name and contact details of an adult dropping off an unaccompanied passenger under the age of eighteen at a port or station.

(a) These indicate the name of any other carrier who will carry the passenger.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under paragraphs 27 and 27B of Schedule 2 to the Immigration Act 1971 and section 32 of the Immigration, Asylum and Nationality Act 2006 and includes provision made under those provisions as applied with modifications under section 11 of the Channel Tunnel Act 1987. It makes provision for the acquisition of data in respect of passengers, crew and air, sea and rail services entering and leaving the United Kingdom. Pursuant to paragraph 27 of Schedule 2 to the Immigration Act 1971 (“the 1971 Act”), Part 2 provides immigration officers with a power to require a passenger list and the particulars of crew members set out in paragraph 1 of Schedule 1 in respect of a ship, aircraft or train entering or leaving the United Kingdom. Part 3 provides that the passenger and service information set out in paragraphs 2 and 3 of Schedule 1 and in Schedule 2 can be requested by an immigration officer under paragraph 27B of Schedule 2 to the 1971 Act. Part 4 provides that the passenger and service information set out in Schedules 3 and 4 can be requested by a constable under section 32 of the Immigration, Asylum and Nationality Act 2006.

STATUTORY INSTRUMENTS

2008 No. 5

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