STATUTORY INSTRUMENTS

# 2015 No. 961

# IMMIGRATION
# POLICE

## The Passenger, Crew and Service Information (Civil Penalties) Regulations 2015

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| *Made - - - -* | *24th March 2015* |
| *Coming into force - -* | *31st March 2015* |

The Secretary of State makes the following Regulations in exercise of the powers conferred by paragraph 27BB of Schedule 2 to the Immigration Act 1971(**1**) and section 32B of the Immigration, Asylum and Nationality Act 2006(**2**).

In accordance with paragraph 27BB(6) of that Schedule and subsection (6) of that section, a draft of these Regulations was laid before and approved by a resolution of each House of Parliament.

### Citation, commencement and expiry

**1.**—(1) These Regulations may be cited as the Passenger, Crew and Service Information (Civil Penalties) Regulations 2015.

(2) These Regulations come into force on the seventh day after the day on which they are made.

(3) These Regulations cease to have effect at the end of the period of seven years beginning with the day on which these Regulations come into force.

### Interpretation

**2.** In these Regulations—

"authority-to-carry scheme" means a scheme made under section 22 of CTSA 2015;

"CTSA 2015" means the Counter-Terrorism and Security Act 2015;

"IA 1971" means the Immigration Act 1971;

"IANA 2006" means the Immigration, Asylum and Nationality Act 2006;

"notice of objection" has the meaning given in regulation 6;

(**1**) 1971 c. 77; paragraph 27BB of Schedule 2 was inserted by the Counter-Terrorism and Security Act 2015 (c. 6), paragraph 1 of Schedule 5.

(**2**) 2006 c. 13; section 32B was inserted by the Counter-Terrorism and Security Act 2015, paragraph 7 of Schedule 5.

"penalty notice" has the meaning given in regulation 5.

**Penalty for failure to comply with paragraph 27 or 27B of Schedule 2 to IA 1971**

**3.**—(1) Paragraph (2) applies to a person who is required by an order under paragraph 27(2) of Schedule 2 to IA 1971(**3**) to supply information about passengers or crew on board a ship or aircraft.

(2) The Secretary of State may require the person to pay a penalty if satisfied that the person has failed to comply with any of the following requirements of the order—

(a) a requirement to supply the information by a specified time or within a specified period;

(b) a requirement to supply the information in a specified form and manner;

(c) a requirement to be able to receive, in a specified form and manner, communications from the Secretary of State or an immigration officer relating to the information.

(3) In paragraph (2) "specified" means specified in the order.

(4) Paragraph (5) applies to a person—

(a) who is required under paragraph 27B(2) of Schedule 2 to IA 1971(**4**) to provide passenger information or service information to an immigration officer, or

(b) who is required under paragraph 27B(8A) of that Schedule(**5**) to be able to receive communications from an immigration officer in a form and manner directed by the Secretary of State.

(5) The Secretary of State may require the person to pay a penalty if satisfied that—

(a) the person has failed to provide the information by the time stated in the request under paragraph 27B(2),

(b) the person has failed to provide the information in the form and manner directed by the Secretary of State under paragraph 27B(8)(a), or

(c) the person has failed to comply with a requirement under paragraph 27B(8A) to be able to receive communications from the immigration officer.

(6) But the Secretary of State may not require a person to pay a penalty under this regulation if—

(a) the person shows that there was a reasonable excuse for the failure, or

(b) paragraph (7) applies.

(7) This paragraph applies where—

(a) proceedings have been instituted against the person, under section 27 of IA 1971 or (in the case of a failure consisting of the provision of false information) under section 5 of the Perjury Act 1911(**6**), in respect of the same failure;

(b) the failure consists of a failure to comply with a requirement that the person is also obliged to comply with by virtue of section 32 of IANA 2006 and—

(i) a penalty has been imposed on the person under regulation 4 in respect of the same failure, or

(ii) proceedings have been instituted against the person under section 34 of IANA 2006 in respect of the same failure; or

(c) the failure consists of a failure to comply with a requirement that the person is also obliged to comply with by virtue of an authority-to-carry scheme, and a penalty has been imposed

(**3**) Paragraph 27(2) was substituted by IANA 2006, section 31.
(**4**) Paragraph 27B was inserted by the Immigration and Asylum Act 1999 (c. 33), section 18.
(**5**) Paragraph 27B(8A) was inserted by CTSA 2015, paragraph 1 of Schedule 5.
(**6**) 1911 c. 6 (1 & 2 Geo 5); section 5 was amended by the Criminal Justice Act 1948 (c. 58), section 1(2).

on that person, under regulations made under section 24 of CTSA 2015, in respect of the same failure.

(8) A penalty imposed under this regulation may not exceed £10,000.

(9) The penalty is payable to the Secretary of State on demand.

**Penalty for failure to comply with section 32 of IANA 2006**

**4.**—(1) Paragraph (2) applies to a person who is required by a constable under section 32(2) of IANA 2006—

(a) to provide passenger information or service information relating to a ship or aircraft, or

(b) to be able to receive, in a specified form and manner, communications relating to the information (see section 32(6)(e))(**7**).

(2) The Secretary of State may require the person to pay a penalty if satisfied that—

(a) the person has failed to provide the information by the date or time stated in the requirement,

(b) the person has failed to provide the information in the manner and form specified in an order under section 32(5)(a), or

(c) the person has failed to comply with a requirement imposed under section 32 to be able to receive communications relating to the information.

(3) But the Secretary of State may not require a person to pay a penalty under this regulation if—

(a) the person shows that there was a reasonable excuse for the failure, or

(b) paragraph (4) applies.

(4) This paragraph applies where—

(a) proceedings have been instituted against the person, under section 34 of IANA 2006 or (in the case of a failure consisting of the provision of false information) under section 5 of the Perjury Act 1911, in respect of the same failure;

(b) the failure consists of a failure to comply with a requirement that the person is also obliged to comply with by virtue of paragraph 27 or 27B of Schedule 2 to IA 1971 and—

(i) a penalty has been imposed on the person under regulation 3 in respect of the same failure, or

(ii) proceedings have been instituted against the person under section 27 of IA 1971 in respect of the same failure; or

(c) the failure consists of a failure to comply with a requirement that the person is also obliged to comply with by virtue of an authority-to-carry scheme, and a penalty has been imposed on that person, under regulations made under section 24 of CTSA 2015, in respect of the same failure.

(5) A penalty imposed under this regulation may not exceed £10,000.

(6) The penalty is payable to the Secretary of State on demand.

**Notification of penalty decision**

**5.**—(1) If the Secretary of State decides to require a person to pay a penalty under these Regulations, the Secretary of State must give the person a penalty notice.

(2) A penalty notice must—

(**7**) Section 32(6)(e) was inserted by CTSA 2015, paragraph 6 of Schedule 5.