



IMMIGRATION ACT 1971
IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006

**IMMIGRATION AND POLICE (PASSENGER, CREW AND
SERVICE INFORMATION) ORDER 2011**

Laid before Tynwald

12 July 2011

Coming into operation

29 June 2011

The Governor makes this Order under paragraphs 27 and 27B of Schedule 2 to the Immigration Act 1971¹ (of Parliament) and section 32 of the Immigration, Asylum and Nationality Act 2006² (of Parliament) as those Acts have effect in the Isle of Man³.

The Governor 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 2001⁴).

¹ 1971 c. 77. Paragraph 27 of Schedule 2 to the 1971 UK 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 UK 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)..

² 2006 c. 13.

³ See the Immigration (Isle of Man) Order 2008 (SI 2008/680) as amended by the Immigration (Isle of Man) Order 2010 (SI 2011/1409)

⁴ 2001 c. 1 . The requirement set out in the second recital reflects the terms of section 32(7) of the 2006 UK Act as that section has effect in the Isle of Man.

**PART 1
GENERAL**

1 Title

This Order is the Immigration and Police (Passenger, Crew and Service Information) Order 2011.

2 Commencement

This Order comes into operation on 29 June 2011.

3 Interpretation

(1) In this Order—

“the 1971 UK Act” means the Immigration Act 1971 (of Parliament),
and;

“the 2006 UK Act” means the Immigration, Asylum and
Nationality Act 2006 (of Parliament).

(2) In this Order any reference to an Act of Parliament, or a provision of an Act of Parliament, which extends to the Isle of Man is a reference to that Act or provision as it has effect in the Isle of Man.

(3) For the purposes of this Order, information is known to the owner or agent of a ship or aircraft (“carrier”) if it is held by that carrier and—

(a) if information of that nature is routinely held by the carrier on its 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
PASSENGER LIST AND PARTICULARS OF CREW**

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

(1) This article applies to a ship or aircraft arriving or expected to arrive in, or leaving or expected to leave, the Isle of Man.

- (2) Subject to paragraph (3), 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 Isle of Man 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) The information which may be requested under this article may be requested only to the extent to which it is known by the responsible person, in circumstances where the information is to be provided before a point in time at which passengers have boarded the ship or aircraft in preparation for departure and it is no longer possible for further passengers or crew to do so.
- (4) Where information has been requested in circumstances set out in paragraph (3), nothing in this article prevents that same information being requested from the responsible person, a second time where those same circumstances do not apply.
- (5) For the purposes of paragraphs (2), (3) and (4) a responsible person is one of the persons specified in paragraph 27(4) of Schedule 2 to the 1971 UK Act⁵.

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

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
PASSENGER AND SERVICE INFORMATION**

6 Passenger and service information: immigration officers

- (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) of Schedule 1 is specified for the purposes of paragraph 27B(9) and

⁵ Paragraph 27(4) of Schedule 2 to the 1971 UK Act was inserted by section 31 of the 2006 UK Act.

(9A) of Schedule 2 to the 1971 UK Act (passenger and service information)⁶.

- (2) The information set out in paragraphs 2 and 3 of Schedule 1 is specified for the purposes of paragraph 27B(9) and (9A) of Schedule 2 to the 1971 UK Act only to the extent to which it is known by the owner or agent of a ship or aircraft in circumstances where the information is to be provided before a point in time at which passengers have boarded the ship or aircraft 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 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 UK Act to the extent to which it is known to the owner or agent of a ship or aircraft.

7 Passenger and service information: police

- (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 UK Act (passenger and crew information: police powers) in respect of ships and aircraft arriving or expected to arrive in, or leaving or expected to leave, the Isle of Man.
- (2) The information set out in Schedule 3 is specified for the purposes of section 32(5)(a) of the 2006 UK Act only to the extent to which it is known by the owner or agent of a ship or aircraft in circumstances where the information is to be provided before a point in time at which passengers have boarded the ship or aircraft 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

⁶ Paragraph 27B(9A) of Schedule 2 to the 1971 UK Act was inserted by section 31 of the 2006 UK Act.

prevents that same information being requested from the owner or agent of a ship or aircraft 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 UK Act to the extent to which it is known by the owner or agent of a ship or aircraft.

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

Passenger and service information must be provided under section 32 of the 2006 UK 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.

9 Revocations

The following are revoked—

- (a) the Immigration (Particulars of Passengers and Crew) (Isle of Man) Order 1972⁷;
- (b) the Immigration (Particulars of Passengers and Crew) (Isle of Man) (Amendment) Order 1979⁸; and
- (c) The Immigration (Passenger Information) Order 2008⁹.

MADE

24th June 2011



Lieutenant Governor

⁷ GC 110/72

⁸ GC 64/79

⁹ SD 174/08

SCHEDULE 1

[Articles 4(2)(b) and 6(1)]

INFORMATION SPECIFIED: IMMIGRATION

1 Particulars of crew

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;
- (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 and, if the vehicle has a trailer, the trailer registration number;
- (d) the number of crew on board the ship or aircraft;
- (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.

2 Information which relates to passengers

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 and, if the vehicle has a trailer, the trailer registration number.

3 Information which relates to a voyage or flight

The information is—

- (a) flight number, or ship name;
- (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 departed immediately prior to arrival into the Isle of Man;
- (i) place in the Isle of Man into which the voyage or flight first arrives from overseas;
- (j) any place in the Isle of Man into which a voyage or flight from overseas will subsequently go; and
- (k) number of passengers.

SCHEDULE 2

[Article 6(4)]

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) the code used to designate another carrier in conjunction with whom the carrier operates the service (Code Share details);
- (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;
- (ab) booking reference number, Passenger Name Record Locator and other data locator used by the carrier to locate the passenger within its information system;
- (ac) the class of transport reserved;
- (ad) the fact that the reservation is in respect of a one-way journey;
- (ae) all historical changes to the reservation;
- (af) General Remarks;
- (ag) Other Service Information (OSI);
- (ah) System Service Information (SSI) and System Service Request information (SSR);
- (ai) identity of the individual who checked the passenger in for the voyage or flight;
- (aj) Outbound Indicator, which identifies where a passenger is to travel on to from the Isle of Man;
- (ak) Inbound Connection Indicator, which identifies where a passenger started his journey before he travels onto the Isle of Man;
- (al) the fact that the passenger is travelling as part of a group;
- (am) the expiry date of any entry clearance held in respect of the Isle of Man;
- (an) card number and type of any frequent flyer or similar scheme used;
- (ao) Automated Ticket Fare Quote (ATFQ), which indicates the fare quoted and charged; and

- (ap) the fact that the passenger is under the age of 18 and unaccompanied.
- 2 Where the passenger is a person under the age of 18 and unaccompanied—
- (a) age;
 - (b) languages spoken;
 - (c) any special instructions provided;
 - (d) the name of any departure agent who will receive instructions regarding the care of the passenger;
 - (e) the name of any transit agent who will receive instructions regarding the care of the passenger;
 - (f) the name of any arrival agent who will receive instructions regarding the care of the passenger;
 - (g) the following details in respect of the guardian on departure—
 - (i) name;
 - (ii) address;
 - (iii) any contact telephone number; and
 - (iv) relationship to passenger; and
 - (h) the following details in respect of the guardian on arrival—
 - (i) name;
 - (ii) address;
 - (iii) any contact telephone number; and
 - (iv) relationship to passenger.

SCHEDULE 3

[Article 7(1)]

INFORMATION SPECIFIED: POLICE

1 Information which relates to members of crew

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 and, if the vehicle has a trailer, the trailer registration number.

2 Information which relates to passengers

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 and, if the vehicle has a trailer, the trailer registration number.

3 Information which relates to a voyage or flight

The information is—

- (a) flight number, or ship name;
- (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 departed immediately prior to arrival into the Isle of Man;
- (i) place in the Isle of Man into which the voyage or flight first arrives from overseas;
- (j) any place in the Isle of Man into which a voyage or flight from overseas will subsequently go; and
- (k) number of passengers.

SCHEDULE 4

[Article 7(4)]

INFORMATION SPECIFIED TO EXTENT KNOWN BY CARRIER: POLICE

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) the code used to designate another carrier in conjunction with whom the carrier operates the service (Code Share details);
- (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 Isle of Man;
- (x) the fact that the passenger is under the age of 18 and unaccompanied;
- (y) the fact that the passenger is under the age of 18 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 18 at a port.

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 as those sections have effect in the Isle of Man by virtue of S.I. 2011/1408. It makes provision for the acquisition of data in respect of passengers, crew and air and sea services entering and leaving the Isle of Man.

Pursuant to paragraph 27 of Schedule 2 to the Immigration Act 1971 ("the 1971 UK 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 or aircraft entering or leaving the Isle of Man.

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 UK Act. It also 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.

