

SCHEDULES

SCHEDULE 8

Section 67

EMBARKATION CHECKS

PART 1

FUNCTIONS EXERCISABLE BY DESIGNATED PERSONS

Introduction

- 1 Schedule 2 to the Immigration Act 1971 (administrative provisions as to control on entry etc) is amended in accordance with this Part of this Schedule.

Examinations by designated person

- 2 (1) Paragraph 3 is amended as follows.
 - (2) In sub-paragraph (1), after “immigration officer” insert “or designated person”.
 - (3) For sub-paragraph (1A) substitute—

“(1A) If a person is examined under sub-paragraph (1) (whether by an immigration officer or designated person), an immigration officer may require the person, by notice in writing, to submit to further examination by the immigration officer for a purpose specified in that sub-paragraph.”.

Information and documents

- 3 (1) Paragraph 4 is amended as follows.
 - (2) In sub-paragraph (1), for “his functions” substitute “that or any other person’s functions”.
 - (3) In sub-paragraph (2)—
 - (a) for “shall, if so required by the immigration officer” substitute “, or on his examination under paragraph 3 above by a designated person, shall, if so required by an immigration officer or designated person”;
 - (b) in paragraph (b), for “the immigration officer” substitute “the immigration officer or designated person”;
 - (c) in the words after paragraph (b), for “the immigration officer” substitute “the immigration officer or designated person”.
 - (4) In sub-paragraph (3), for the words from “the immigration officer” to the second “officer” substitute “an immigration officer or a person acting under the directions of an immigration officer”.
 - (5) In sub-paragraph (4), in the words before paragraph (a)—

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- (a) for “produced or found” substitute “produced to or found by an immigration officer”;
 - (b) for “an immigration officer” substitute “, the immigration officer”.
- (6) After sub-paragraph (4) insert—
- “(4A) Where a passport or other document is produced to a designated person in accordance with this paragraph, the designated person—
- (a) may examine it and detain it; and
 - (b) must deliver any detained passport or document to an immigration officer as soon as reasonably practicable.
- (4B) If a passport or document is delivered to an immigration officer in accordance with sub-paragraph (4A)(b), sub-paragraph (4) applies as if the immigration officer had detained the document (and, accordingly, the immigration officer may continue to detain it in accordance with sub-paragraph (4)(a), (b) or (c)).”.
- (7) In sub-paragraph (5), after “examination” insert “, or any immigration officer or designated person,”.

Embarkation cards

- 4 (1) Paragraph 5 is amended in accordance with sub-paragraphs (2) and (3).
- (2) For “requiring passengers” substitute “requiring—
- (a) passengers”.
- (3) For “cards in such form” substitute “cards, and
- (b) passengers embarking in the United Kingdom, or any class of such passengers, to produce to a designated person, if so required, embarkation cards,
- in such form”.

Designations

- 5 After paragraph 5 insert—

“Designated persons

- 5A (1) In this Schedule “designated person” means a person designated by the Secretary of State for the purposes of this Schedule.
- (2) A designation under this paragraph is subject to such limitations as may be specified in the designation.
- (3) A limitation under sub-paragraph (2) may, in particular, relate to the functions that are exercisable by virtue of the designation (and, accordingly, the exercise of functions under this Schedule by a designated person is subject to any such limitations specified in the person’s designation).
- (4) A designation under this paragraph—
- (a) may be permanent or for a specified period,

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- (b) may (in either case) be withdrawn, and
 - (c) may be varied.
- (5) The power to designate, or to withdraw or vary a designation, is exercised by the Secretary of State giving notice to the person in question.
- (6) The Secretary of State may designate a person under this paragraph only if the Secretary of State is satisfied that the person—
- (a) is capable of effectively carrying out the functions that are exercisable by virtue of the designation,
 - (b) has received adequate training in respect of the exercise of those functions, and
 - (c) is otherwise a suitable person to exercise those functions.”.

Directions to carriers and operators of ports

6 After paragraph 5A (inserted by paragraph 5 above) insert—

“Directions to carriers and operators of ports etc

- 5B (1) The Secretary of State may direct—
- (a) an owner or agent of a ship or aircraft, or
 - (b) a person concerned in the management of a port,
- to make arrangements for designated persons to exercise a specified function, or a function of a specified description, in relation to persons of a specified description.
- (2) A direction under this paragraph must specify—
- (a) the port where, and
 - (b) the date (or dates) and time (or times) when, a function is to be exercised under the arrangements.
- (3) A direction under this paragraph must be in writing.
- (4) A direction under this paragraph may specify a description of persons by reference, in particular, to—
- (a) the destination to which persons are travelling;
 - (b) the route by which persons are travelling;
 - (c) the date and time when the persons are travelling.
- (5) In this paragraph—
- “function” means a function under this Schedule;
 - “specified” means specified in a direction under this paragraph.”.

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PART 2

OTHER PROVISION

Offences

- 7 (1) Section 27 of the Immigration Act 1971 (offences by persons connected with ships or aircraft or with ports) is amended as follows.
- (2) In paragraph (b)—
- (a) after sub-paragraph (iii) insert—
- “(iiiia) he fails, without reasonable excuse, to comply with a direction under paragraph 5B of Schedule 2; or”;
- (b) in sub-paragraph (iv) for “a requirement” substitute “any other requirement”.
- (3) After paragraph (c) insert—
- “(ca) if as a person concerned in the management of a port he fails, without reasonable excuse, to comply with a direction under paragraph 5B of Schedule 2.”.