

GUERNSEY STATUTORY INSTRUMENT

2012 No. 49

The Immigration (Passenger, Crew and Service Information for Police Purposes) (Bailiwick of Guernsey) (No. 2) Order, 2012

Made SIXTEENTH DAY (16TH) of OCTOBER, 2012
Coming into operation SIXTEENTH DAY (16TH) of OCTOBER 2012

In exercise of the powers conferred on me by section 32 of the Immigration, Asylum and Nationality Act 2006^a as extended to the Bailiwick of Guernsey by the Immigration (Guernsey) Order 2011^b, and being satisfied that the nature of the information specified in this Order for the purposes of that provision 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 (Bailiwick of Guernsey) Law, 2000^c), I hereby make the following Order:-

Passenger and service information for police purposes.

1. (1) Subject to paragraph (2), the information set out in Schedule 1 is specified for the purposes of section 32(5)(a) of the 2006 Act in respect of ships and aircraft arriving or expected to arrive in, or leaving or expected to leave, the Bailiwick of Guernsey.

^a An Act of Parliament (Chapter 13 of 2006).

^b UK S.I. 2011 No. 2444.

^c Ordres en Conseil Vol. XL p. 396; as amended by Order in Council No. 1 of 2005; Recueil d'Ordonnances Tome XXIX, p. 406 and G.S.I. No. 27 of 2006.

(2) The information set out in Schedule 1 is only specified for the purposes of section 32(5)(a) of the 2006 Act to the extent to which it is known to 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 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 information set out in Schedule 2 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.

Form and manner in which information is to be provided for police purposes.

2. The passenger or service information to be provided under section 32 of the 2006 Act must be provided in an electronic form that is compatible with the technology used by the recipient of the information unless an alternative form and manner of information transmission is authorised by the recipient of the information.

Revocation.

3. The Immigration (Passenger, Crew and Service Information for Police Purposes) (Bailiwick of Guernsey) Order, 2012^d is revoked.

Interpretation.

4. (1) In this Order, unless the context requires otherwise –

"the 2006 Act" means the Immigration, Asylum and Nationality Act 2006 as extended to the Bailiwick of Guernsey by the Immigration (Guernsey) Order 2011,

^d G.S.I. 2012 No. 35.

"enactment" means any Act of Parliament, Law, Ordinance or subordinate legislation, and

"subordinate legislation" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect.

(2) 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) information of that nature is routinely held by the carrier on their carrier reservation system, departure control system or equivalent system, or
- (b) 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.

(3) In this Order, unless the context requires otherwise, a reference to any enactment is a reference to the enactment concerned as from time to time amended, varied, re-enacted (with or without modification), extended or applied.

(4) The Interpretation (Guernsey) Law, 1948^e applies to the interpretation of this Order throughout the Bailiwick as it applies to the interpretation of a Guernsey enactment.

(5) For the avoidance of doubt, unless the context requires otherwise, an expression used in this Order has the same meaning as in the 2006 Act.

Citation.

5. This Order may be cited as the Immigration (Passenger, Crew and Service Information

^e Ordres en Conseil Vol. XIII, p. 355.

for Police Purposes) (Bailiwick of Guernsey) (No. 2) Order, 2012.

Commencement.

6. This Order comes into force on the 16TH day of October, 2012.

Dated this 16TH day of October, 2012



LIEUTENANT-GOVERNOR
Office of the Lieutenant-Governor
Guernsey

SCHEDULE 1
INFORMATION SPECIFIED

Art. 1(1), (2) and (3)

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,
 - (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.

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

Information which relates to a voyage or flight

3. The information is –

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

SCHEDULE 2

INFORMATION SPECIFIED TO EXTENT KNOWN TO CARRIER

Art. 1(4)

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) place of birth,
- (c) issue date of travel document,
- (d) address,
- (e) gender,
- (f) any contact telephone number,
- (g) fax number,
- (h) e-mail address,
- (i) internet address,
- (j) travel status of passenger, which indicates whether reservation is confirmed or provisional and whether the passenger has checked in,
- (k) the number of pieces and description of any baggage carried,
- (l) any documentation provided to the passenger in respect of his baggage,
- (m) date of intended travel,
- (n) ticket number,
- (o) date and place of ticket issue,

- (p) seat number allocated,
- (q) seat number requested,
- (r) check-in time, regardless of method,
- (s) date on which reservation was made,
- (t) identity of any person who made the reservation,
- (u) any travel agent used,
- (v) any other name that appears on the passenger's reservation,
- (w) number of passengers on the same reservation,
- (x) complete travel itinerary for passengers on the same reservation,
- (y) 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,
- (z) Code Share Details,
- (aa) method of payment used to purchase ticket or make a reservation,
- (bb) details of the method of payment used, including the number of any credit, debit or other card used,
- (cc) billing address,
- (dd) booking reference number, Passenger Name Record Locator and other data locator used by the carrier to locate the passenger within its information system,
- (ee) the name, address and contact details of the passenger's sponsor in the Bailiwick of Guernsey
- (ff) the class of transport reserved,
- (gg) the fact that the reservation is in respect of a one-way journey,
- (hh) all historical changes to the reservation,

- (ii) General Remarks,
- (jj) Other Service Information (OSI),
- (kk) System Service Information (SSI) and System Service Request information (SSR),
- (ll) identity of the individual who checked the passenger in for the voyage or flight or international service,
- (mm) Outbound Indicator, which identifies where a passenger is to travel on to from the Bailiwick of Guernsey,
- (nn) Inbound Connection Indicator, which identifies where a passenger started his journey before he travels onto the Bailiwick of Guernsey,
- (oo) the fact that the passenger is travelling as part of a group,
- (pp) the expiry date of any entry clearance held in respect of the United Kingdom, the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man.
- (qq) card number and type of any frequent flyer or similar scheme used,
- (rr) Automated Ticket Fare Quote (ATFQ), which indicates the fare quoted and charged,
- (ss) the fact that the passenger is under the age of eighteen and unaccompanied,
- (tt) 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,
- (uu) name and contact details of an adult dropping off an unaccompanied passenger under the age of eighteen at a port,
- (vv) 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.

EXPLANATORY NOTE

(This note is not part of this Order)

This Order makes provision for the Island Police to acquire data in respect of passengers, crew, and air and sea services entering and leaving the Bailiwick of Guernsey. This Order authorises a police officer of the rank of chief inspector or above, acting under section 32 of the Immigration, Asylum and Nationality Act 2006 as extended to the Bailiwick of Guernsey by the Immigration (Guernsey) Order 2011 ("**the 2006 Act**"), to require the passenger and service information set out in Schedules 1 and 2 of this Order if the officer thinks it necessary for police purposes (as defined in section 32(5)(b) of the 2006 Act).

This Order revokes the previous Immigration (Passenger, Crew and Service Information for Police Purposes) (Bailiwick of Guernsey) Order, 2012.

This Order comes into force on the 16TH day of OCTOBER, 2012.