

*Status: Point in time view as at 13/04/2006.*

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## SCHEDULES

### SCHEDULE 7 **U.K.**

Section 53.

#### PORT AND BORDER CONTROLS

##### **Modifications etc. (not altering text)**

- C1** Sch. 7 modified (19.2.2001) by S.I. 1993/1813, **Sch. 4 para. 3** (as substituted by S.I. 2001/178, **art. 4**)
- C2** Schs. 7, 8, 14 extended (with modifications) (coming into force in accordance with art. 1(2) of the extending S.I.) by **The Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003 (S.I. 2003/2818), art. 11(1)(b)**, Sch. 2 (as amended (31.3.2021) by **The Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) (Amendment) Order 2021 (S.I. 2021/311), arts. 1(2), 2(7)(b)(i)**)

##### *Interpretation*

- 1 (1) In this Schedule “examining officer” means any of the following—
- (a) a constable,
  - (b) an immigration officer, and
  - (c) a customs officer who is designated for the purpose of this Schedule by the Secretary of State and the Commissioners of Customs and Excise.
- (2) In this Schedule—
- “the border area” has the meaning given by paragraph 4,
  - “captain” means master of a ship or commander of an aircraft,
  - “port” includes an airport and a hoverport,
  - “ship” includes a hovercraft, and
  - “vehicle” includes a train.
- (3) A place shall be treated as a port for the purposes of this Schedule in relation to a person if an examining officer believes that the person—
- (a) has gone there for the purpose of embarking on a ship or aircraft, or
  - (b) has arrived there on disembarking from a ship or aircraft.

##### *Power to stop, question and detain*

- 2 (1) An examining officer may question a person to whom this paragraph applies for the purpose of determining whether he appears to be a person falling within section 40(1)(b).
- (2) This paragraph applies to a person if—
- (a) he is at a port or in the border area, and
  - (b) the examining officer believes that the person’s presence at the port or in the area is connected with his entering or leaving Great Britain or Northern Ireland [<sup>F1</sup>or his travelling by air within Great Britain or within Northern Ireland].

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- (3) This paragraph also applies to a person on a ship or aircraft which has arrived [<sup>F2</sup>at any place in Great Britain or Northern Ireland (whether from within or outside Great Britain or Northern Ireland).]
- (4) An examining officer may exercise his powers under this paragraph whether or not he has grounds for suspecting that a person falls within section 40(1)(b).

#### Textual Amendments

**F1** Words in [Sch. 7 para. 2\(2\)\(b\)](#) inserted (14.12.2001) by [2001 c. 24, s. 118\(2\)](#)

**F2** Words in [Sch. 7 para. 2\(3\)](#) substituted (14.12.2001) by [2001 c. 24, s. 118\(3\)](#)

- 3 An examining officer may question a person who is in the border area for the purpose of determining whether his presence in the area is connected with his entering or leaving Northern Ireland.
- 4 (1) A place in Northern Ireland is within the border area for the purposes of paragraphs 2 and 3 if it is no more than one mile from the border between Northern Ireland and the Republic of Ireland.
- (2) If a train goes from the Republic of Ireland to Northern Ireland, the first place in Northern Ireland at which it stops for the purpose of allowing passengers to leave is within the border area for the purposes of paragraphs 2 and 3.
- 5 A person who is questioned under paragraph 2 or 3 must—
- (a) give the examining officer any information in his possession which the officer requests;
  - (b) give the examining officer on request either a valid passport which includes a photograph or another document which establishes his identity;
  - (c) declare whether he has with him documents of a kind specified by the examining officer;
  - (d) give the examining officer on request any document which he has with him and which is of a kind specified by the officer.
- 6 (1) For the purposes of exercising a power under paragraph 2 or 3 an examining officer may—
- (a) stop a person or vehicle;
  - (b) detain a person.
- (2) For the purpose of detaining a person under this paragraph, an examining officer may authorise the person's removal from a ship, aircraft or vehicle.
- (3) Where a person is detained under this paragraph the provisions of Part I of Schedule 8 (treatment) shall apply.
- (4) A person detained under this paragraph shall (unless detained under any other power) be released not later than the end of the period of nine hours beginning with the time when his examination begins.

#### Searches

- 7 For the purpose of satisfying himself whether there are any persons whom he may wish to question under paragraph 2 an examining officer may—
- (a) search a ship or aircraft;

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- (b) search anything on a ship or aircraft;
  - (c) search anything which he reasonably believes has been, or is about to be, on a ship or aircraft.
- 8 (1) An examining officer who questions a person under paragraph 2 may, for the purpose of determining whether he falls within section 40(1)(b)—
- (a) search the person;
  - (b) search anything which he has with him, or which belongs to him, and which is on a ship or aircraft;
  - (c) search anything which he has with him, or which belongs to him, and which the examining officer reasonably believes has been, or is about to be, on a ship or aircraft;
  - (d) search a ship or aircraft for anything falling within paragraph (b)
  - [<sup>F3</sup>(e) search a vehicle which is on a ship or aircraft;
  - (f) search a vehicle which the examining officer reasonably believes has been, or is about to be, on a ship or aircraft.]
- (2) Where an examining officer questions a person in the border area under paragraph 2 he may (in addition to the matters specified in sub-paragraph (1)), for the purpose of determining whether the person falls within section 40(1)(b)—
- (a) search a vehicle;
  - (b) search anything in or on a vehicle;
  - (c) search anything which he reasonably believes has been, or is about to be, in or on a vehicle.
- (3) A search of a person under this paragraph must be carried out by someone of the same sex.

#### Textual Amendments

**F3** Sch. 7 para. 8(1)(e)(f) inserted (13.4.2006) by [Terrorism Act 2006 \(c. 11\)](#), s. 29; S.I. 2006/1013, art. 2

- 9 (1) An examining officer may examine goods to which this paragraph applies for the purpose of determining whether they have been used in the commission, preparation or instigation of acts of terrorism.
- [<sup>F4</sup>(2) This paragraph applies to—
- (a) goods which have arrived in or are about to leave Great Britain or Northern Ireland on a ship or vehicle, and
  - (b) goods which have arrived at or are about to leave any place in Great Britain or Northern Ireland on an aircraft (whether the place they have come from or are going to is within or outside Great Britain or Northern Ireland).]

(3) In this paragraph “goods” includes—

    - (a) property of any description, and
    - (b) containers.

(4) An examining officer may board a ship or aircraft or enter a vehicle for the purpose of determining whether to exercise his power under this paragraph.

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#### Textual Amendments

**F4** Sch. 7 para. 9(2) substituted (14.12.2001) by 2001 c. 24, s. 118(4)

- 10 (1) An examining officer may authorise a person to carry out on his behalf a search or examination under any of paragraphs 7 to 9.
- (2) A person authorised under this paragraph shall be treated as an examining officer for the purposes of—
- (a) paragraphs 9(4) and 11 of this Schedule, and
  - (b) paragraphs 2 and 3 of Schedule 14.

#### *Detention of property*

- 11 (1) This paragraph applies to anything which—
- (a) is given to an examining officer in accordance with paragraph 5(d),
  - (b) is searched or found on a search under paragraph 8, or
  - (c) is examined under paragraph 9.
- (2) An examining officer may detain the thing—
- (a) for the purpose of examination, for a period not exceeding seven days beginning with the day on which the detention commences,
  - (b) while he believes that it may be needed for use as evidence in criminal proceedings, or
  - (c) while he believes that it may be needed in connection with a decision by the Secretary of State whether to make a deportation order under the <sup>M1</sup>Immigration Act 1971.

#### Marginal Citations

**M1** 1971 c. 77.

#### *Designated ports*

- 12 (1) This paragraph applies to a journey—
- (a) to Great Britain from the Republic of Ireland, Northern Ireland or any of the Islands,
  - (b) from Great Britain to any of those places,
  - (c) to Northern Ireland from Great Britain, the Republic of Ireland or any of the Islands, or
  - (d) from Northern Ireland to any of those places.
- (2) Where a ship or aircraft is employed to carry passengers for reward on a journey to which this paragraph applies the owners or agents of the ship or aircraft shall not arrange for it to call at a port in Great Britain or Northern Ireland for the purpose of disembarking or embarking passengers unless—
- (a) the port is a designated port, or
  - (b) an examining officer approves the arrangement.

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- (3) Where an aircraft is employed on a journey to which this paragraph applies otherwise than to carry passengers for reward, the captain of the aircraft shall not permit it to call at or leave a port in Great Britain or Northern Ireland unless—
- (a) the port is a designated port, or
  - (b) he gives at least 12 hours' notice in writing to a constable for the police area in which the port is situated (or, where the port is in Northern Ireland, to a member of the Royal Ulster Constabulary).
- (4) A designated port is a port which appears in the Table at the end of this Schedule.
- (5) The Secretary of State may by order—
- (a) add an entry to the Table;
  - (b) remove an entry from the Table.

#### *Embarkation and disembarkation*

- 13 (1) The Secretary of State may by notice in writing to the owners or agents of ships or aircraft—
- (a) designate control areas in any port in the United Kingdom;
  - (b) specify conditions for or restrictions on the embarkation or disembarkation of passengers in a control area.
- (2) Where owners or agents of a ship or aircraft receive notice under sub-paragraph (1) in relation to a port they shall take all reasonable steps to ensure, in respect of the ship or aircraft—
- (a) that passengers do not embark or disembark at the port outside a control area, and
  - (b) that any specified conditions are met and any specified restrictions are complied with.
- 14 (1) The Secretary of State may by notice in writing to persons concerned with the management of a port in the United Kingdom (“the port managers”)—
- (a) designate control areas in the port;
  - (b) require the port managers to provide at their own expense specified facilities in a control area for the purposes of the embarkation or disembarkation of passengers or their examination under this Schedule;
  - (c) require conditions to be met and restrictions to be complied with in relation to the embarkation or disembarkation of passengers in a control area;
  - (d) require the port managers to display, in specified locations in control areas, notices containing specified information about the provisions of this Schedule in such form as may be specified.
- (2) Where port managers receive notice under sub-paragraph (1) they shall take all reasonable steps to comply with any requirement set out in the notice.
- 15 (1) This paragraph applies to a ship employed to carry passengers for reward, or an aircraft, which—
- (a) arrives in Great Britain from the Republic of Ireland, Northern Ireland or any of the Islands,
  - (b) arrives in Northern Ireland from Great Britain, the Republic of Ireland or any of the Islands,

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- (c) leaves Great Britain for the Republic of Ireland, Northern Ireland or any of the Islands, or
  - (d) leaves Northern Ireland for Great Britain, the Republic of Ireland or any of the Islands.
- (2) The captain shall ensure—
- (a) that passengers and members of the crew do not disembark at a port in Great Britain or Northern Ireland unless either they have been examined by an examining officer or they disembark in accordance with arrangements approved by an examining officer;
  - (b) that passengers and members of the crew do not embark at a port in Great Britain or Northern Ireland except in accordance with arrangements approved by an examining officer;
  - (c) where a person is to be examined under this Schedule on board the ship or aircraft, that he is presented for examination in an orderly manner.
- (3) Where paragraph 27 of Schedule 2 to the <sup>M2</sup>Immigration Act 1971 (disembarkation requirements on arrival in the United Kingdom) applies, the requirements of sub-paragraph (2)(a) above are in addition to the requirements of paragraph 27 of that Schedule.

#### Marginal Citations

M2 1971 c. 77.

#### Carding

- 16 (1) The Secretary of State may by order make provision requiring a person to whom this paragraph applies, if required to do so by an examining officer, to complete and produce to the officer a card containing such information in such form as the order may specify.
- (2) An order under this paragraph may require the owners or agents of a ship or aircraft employed to carry passengers for reward to supply their passengers with cards in the form required by virtue of sub-paragraph (1).
- (3) This paragraph applies to a person—
- (a) who disembarks in Great Britain from a ship or aircraft which has come from the Republic of Ireland, Northern Ireland or any of the Islands,
  - (b) who disembarks in Northern Ireland from a ship or aircraft which has come from Great Britain, the Republic of Ireland, or any of the Islands,
  - (c) who embarks in Great Britain on a ship or aircraft which is going to the Republic of Ireland, Northern Ireland or any of the Islands, or
  - (d) who embarks in Northern Ireland on a ship or aircraft which is going to Great Britain, the Republic of Ireland, or any of the Islands.

#### Commencement Information

**II** Sch. 7 para. 16 wholly in force at 19.2.2001; Sch. 7 para. 16 not in force at Royal Assent see s. 128; Sch. 7 para. 16(1)(2) in force at 31.10.2000 by S.I. 2000/2944, art. 2(k)(i); Sch. 7 in force at 19.2.2002 in so far as not already in force by S.I. 2001/421, art. 2

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### *Provision of passenger information*

- 17 [F5](1) This paragraph applies to a ship or aircraft which—
- (a) arrives or is expected to arrive in any place in the United Kingdom (whether from another place in the United Kingdom or from outside the United Kingdom), or
  - (b) leaves or is expected to leave the United Kingdom.]
- (2) If an examining officer gives the owners or agents of a ship or aircraft to which this paragraph applies a written request to provide specified information, the owners or agents shall comply with the request as soon as is reasonably practicable.
- (3) A request to an owner or agent may relate—
- (a) to a particular ship or aircraft,
  - (b) to all ships or aircraft of the owner or agent to which this paragraph applies, or
  - (c) to specified ships or aircraft.
- (4) Information may be specified in a request only if it is of a kind which is prescribed by order of the Secretary of State and which relates—
- (a) to passengers,
  - (b) to crew, <sup>F6</sup> . . .
  - (c) to vehicles belonging to passengers or crew [<sup>F7</sup>, or
  - (d) to goods.]
- (5) A passenger or member of the crew on a ship or aircraft shall give the captain any information required for the purpose of enabling the owners or agents to comply with a request under this paragraph.
- (6) Sub-paragraphs (2) and (5) shall not require the provision of information which is required to be provided under or by virtue of paragraph 27(2) or 27B of Schedule 2 to the <sup>M3</sup>Immigration Act 1971.

#### **Textual Amendments**

- F5** Sch. 7 para. 17(1) substituted (14.12.2001) by 2001 c. 24, s. 119(2)  
**F6** Word in Sch. 7 para. 17(4)(b) repealed (14.12.2001) by 2001 c. 24, ss. 119(3)(a), 125, Sch. 8 Pt. 7  
**F7** Sch. 7 para. 17(4)(d) and word preceding it added (14.12.2001) by 2001 c. 24, s. 119(3)(b)

#### **Commencement Information**

- I2** Sch. 7 para. 17 wholly in force at 19.2.2001; Sch. 7 para. 17 not in force at Royal Assent see s. 128; Sch. 7 para. 17(4) in force at 31.10.2000 by S.I. 2000/2944, art. 2(k)(ii); Sch. 7 in force at 19.2.2001 in so far as not already in force by S.I. 2001/421, art. 2

#### **Marginal Citations**

- M3** 1971 c. 77.

### *Offences*

- 18 (1) A person commits an offence if he—
- (a) wilfully fails to comply with a duty imposed under or by virtue of this Schedule,

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- (b) wilfully contravenes a prohibition imposed under or by virtue of this Schedule, or
  - (c) wilfully obstructs, or seeks to frustrate, a search or examination under or by virtue of this Schedule.
- (2) A person guilty of an offence under this paragraph shall be liable on summary conviction to—
- (a) imprisonment for a term not exceeding three months,
  - (b) a fine not exceeding level 4 on the standard scale, or
  - (c) both.

Table Designated Ports Great Britain

<i>Seaports</i>	<i>Airports</i>
Ardrossan	Aberdeen
Cairnryan	Biggin Hill
Campbeltown	Birmingham
Fishguard	Blackpool
Fleetwood	Bournemouth (Hurn)
Heysham	Bristol
Holyhead	Cambridge
Pembroke Dock	Cardiff
Plymouth	Carlisle
Poole Harbour	Coventry
Port of Liverpool	East Midlands
Portsmouth Continental Ferry Port	Edinburgh
Southampton	Exeter
Stranraer	Glasgow
Swansea	Gloucester/Cheltenham (Staverton)
Torquay	Humberside
Troon	Leeds/Bradford
Weymouth	Liverpool
	London-City
	London-Gatwick
	London-Heathrow
	Luton
	Lydd
	Manchester
	Manston
	Newcastle
	Norwich
	Plymouth
	Prestwick
	Sheffield City
	Southampton
	Southend
	Stansted
	Teesside

Northern Ireland

<i>Seaports</i>	<i>Airports</i>
Ballycastle	Belfast City

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Belfast  
Larne  
Port of Londonderry  
Warrenpoint

Belfast International  
City of Derry

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