



Home Office

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

Guidance for General Aviation

Version 1.0

April 2024

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Publication

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About this guidance

The guidance applies to all General Aviation (GA) owners or agents and captains operating GA services, or undertaking flights, to and from the UK. It sets out the civil penalty process to be followed by Border Force in the event of a breach of a requirement of [the General Aviation \(Flight information, Persons on Board and Civil Penalties\) Regulations 2024](#) and where the GA owner or agent and captain may be liable to a civil penalty under [the Passenger, Crew and Service Information \(Civil Penalties\) Regulations 2015](#).

Contacts

If you have any questions about the guidance contact:

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Introduction

The ability to process complete, accurate and timely passenger, crew and service information is an essential part of the UK's approach to border security.

Travel document information, required for passengers and crew, and processed in advance of travel, known as Advance Passenger Information (API), supports pre-departure watchlisting to prevent travel to (or from) the UK in accordance with the [Authority to Carry Scheme 2023](#) or to alert a port to an arriving (or departing) subject of interest.

In addition, providing API supports the operation of the UK's Universal Permission to Travel Scheme which requires all individuals intending to travel to the UK to have a permission to do so. Whether an individual has a valid permission can be confirmed to a GA owner or agent and captain using system to system messaging.

Missing, incomplete, inaccurate or late data risks individuals posing threats being able to travel or to travel undetected. GA owners or agents and captains who fail to comply with information requirements may be liable to a civil penalty of up to £10,000 under [the Passenger, Crew and Service Information \(Civil Penalties\) Regulations 2015](#) ("the 2015 Regulations").

This guidance explains the requirements on GA owners or agents and captains to provide passenger, crew and service information and the civil penalty regime in place in the event of a failure to comply with such a requirement.

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Information Requirements

GA owners or agents and captains are required to provide information about the GA flight and persons on board to the Home Office in accordance with the General Aviation (Persons on Board, Flight Information and Civil Penalties) Regulations 2024 (“the 2024 Regulations”).

In accordance with the 2024 Regulations, the persons responsible for the flight are required to provide:

- Specified information about the flight and persons on board
- Specified information to be provided within a specified time
- Form and manner in which the specified information is to be provided
- To be able to receive during the relevant period, communications relating to that information from the Secretary of State via telephone or the email address provided.

Responsible Person

Regulation 2(2) of the 2024 regulations requires a ‘responsible person’ to provide the information about the flight and persons on board.

Responsible person is defined in paragraph 27BA (5) of Schedule 2 to the Immigration Act 1971 and paragraph 32A(7) of the Immigration, Asylum and Nationality Act 2006.

For the purposes of this paragraph, the following are responsible persons in respect of a ship or aircraft —

- (a) the owner or agent, and
- (b) the captain

Specified Information

For all international flights, the following fields of advance passenger (API) information must be provided:

- full name
- sex
- date of birth
- nationality
- type of travel document
- number of travel document
- expiry date of travel document

- issuing state of travel document

Only the following fields of API are specified for British and Irish persons on board flights operating to and from the UK within the Common Travel Area:

- full name
- sex
- date of birth
- nationality

For all flights, the information must additionally show whether each person onboard is the captain of the aircraft, a member of crew or a passenger.

For all flights, the following flight information must also be provided:

- the aircraft registration mark
- the aircraft type
- the aircraft's home aerodrome or usual base expressed as an ICAO location indicator or IATA code or, where neither is available, a co-ordinate
- expected departure date
- expected departure time
- expected arrival date
- expected arrival time
- the place from which the flight is departing or departed immediately prior to arrival in the United Kingdom expressed by reference to:
 - (i) an ICAO location indicator
 - (ii) an IATA code, or
 - (iii) a co-ordinate (where neither an ICAO location indicator or IATA code is available)
- the number of persons on board the aircraft; and
- the name, address, email address and contact telephone number of the responsible person

The API provided must match the information held in the travel document(s) presented by the passengers and crew members on board. The information provided about the flight must also correspond to the specific flight being made.

Specified Time

The information about the flight and persons onboard must be submitted no earlier than 48 hours and no later than 2 hours prior to expected time of departure.

Specified Form and Manner

The responsible person must submit information about the GA flight and persons on board online. The following are the accepted submission methods:

- the Government's submit a GAR ('sGAR') webservice
- via an existing, Home Office certified third-party application or system listed on [gov.uk](https://www.gov.uk)

Ability to receive relevant communications

After providing the specified information about the flight and persons on board, the responsible person must be able to receive, during the relevant period communications via the telephone number or email address provided pursuant to paragraph 3(k) of the Schedule to the 2024 Regulations from Border Force on behalf of the Secretary of State.

The relevant period which communications may be sent to the responsible person is from when the information about the flight and persons on board is submitted until the expected time of departure.

Circumstances where the responsible person must be able to receive communications from Border Force includes (but are not limited to) refusals of authority to carry an individual to (or from) the UK under the Authority to Carry Scheme 2023.

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

It is the priority of the Home Office to work with and help GA owners or agents and captains to understand their obligations to provide API. However, in the event of repeated or wilful non-compliance the Home Office has the ability to penalise non-compliance.

[The Passenger, Crew and Service Information \(Civil Penalties\) Regulations 2015](#) provide that appropriate sanctions may be imposed when there is a failure to engage and a failure to rectify non-compliance, including where there are repeated or even wilful failures. A civil penalty is one of the sanctions available. However, it will only be used once constructive engagement has failed to resolve any issues or where there is a serious breach of the requirements.

How will data quality and timeliness concerns be addressed?

GA owners or agents and captains must comply with the 2024 Regulations. Where compliance concerns are identified the GA owner or agent and captain will be expected to resolve the issue in advance of their next flight to or from the UK.

Failure to comply could include:

- Failing to provide required information about the flight and persons on board.
- Failing to provide accurate information about the flight and persons on board.
- Failing to provide the information by the specified time.
- Failing to provide the information in the specified form and manner.

Where Border Force identify a potential breach of the Regulations, the responsible person (the GA owner or agent and captain) will be served with a notice. This will detail the breach that has occurred and provide direction to sources of guidance to ensure any future issues are rectified.

Repeated failure to resolve any issues may result in the service of a Notification of Potential Liability. This notification is a formal notice of the failure to comply with a written requirement for data and of potential liability for a civil penalty. The GA owner or agent and captain has 28 days from the date of notification to make representations why a penalty charge should not be imposed. Border Force will consider any representations and may decide to pursue a civil

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penalty and, if so, the amount to be charged. This will be communicated by the serving of a Penalty Notice.

The Penalty Notice is a written notice outlining the Secretary of State's reasons for deciding to require the GA owner or agent and captain to pay a penalty and setting out the amount of the penalty, the date on which it is issued and the date and method by which the penalty must be paid. It also outlines the steps a GA owner or agent and captain may take in order to object to the penalty decision and an explanation of the steps the Secretary of State may take to recover any unpaid penalty.

A Warning Notice may be issued in place of a Penalty Notice where the GA owner or agent and captain can demonstrate that there are mitigating circumstances or where it is the first occasion where the GA owner or agent and captain has committed a breach of the information requirement.

Serious breach of the information requirements

Where there has been a serious breach of the information requirements in connection with a criminal investigation of facilitation of illegal entry, the breach of the 2024 Regulations will be considered as part of that investigation.

Criminal Sanction

The 2015 Regulations provide a civil penalty for failure to comply with an information requirement under Schedule 2 to the Immigration Act 1971, such as the 2024 Regulations.

Section 27(1)(b)(iv) of the Immigration Act 1971 make failure to comply with an information requirement made under Schedule 2 to the Act, such as the 2024 Regulations, without a reasonable excuse a criminal offence punishable on summary conviction with a fine of not more than £5000 or imprisonment for not more than six months.

Carriers' Liability

Nothing in this guidance, nor the provision of timely, accurate and complete data, affects liability under Section 40 of the Immigration and Asylum Act 1999 (as amended) for charges that might arise for the carriage to the UK of inadequately documented passengers. For further information on Section 40 charges, please see the relevant guidance on [gov.uk](https://www.gov.uk).

Administering Financial Penalties

Factors to be considered when determining the level of financial penalty

The level of financial penalty imposed will be considered on a case-by-case basis and determined according to particular factors. Those factors may include:

- **Previous cooperation** and compliance with UK requirements
- **Previous breaches** of passenger, crew or service information requirements within the last three years.
- **Reasonable steps** taken to avoid liability under the 2015 Regulations.
- **Deliberate wrong doing:** Should evidence suggest there has been deliberate wrong doing by a GA owner or agent and captain, the maximum penalty will be considered appropriate.

The level of penalty will start at £5,000 which may be mitigated down depending on the circumstances of the breach and any representations made.

Subsequent breaches will start at £7,500, followed by the maximum of £10,000.

Payment of the civil penalty

Once the level of penalty has been determined a GA owner or agent and captain has 28 days from the date of the serving of the **Penalty Notice** to pay the penalty. The Penalty Notice will state the reasons for imposing the penalty and the due date will be clearly marked on the notice. It will also explain the payment methods available, the date by which payment must be made and an explanation of how to object to the penalty imposed. **If the penalty is not paid by the deadlines given, enforcement action may be taken.**

Objection

The Penalty Notice will detail how to object to the decision. Any objection against a **Penalty Notice** must be received within 28 days from the date on the notice. Any objection must be in writing, give the reasons for the objection, and be given to the Home Office in the manner set out in the Penalty Notice. The matters raised in the objection will be reviewed and may result in either:

- a. The penalty being cancelled,
- b. The penalty being reduced,
- c. The penalty being increased, or
- d. The penalty being maintained.

The GA owner or agent and captain will be notified of the outcome in writing no later than 70 days following the date on which the original penalty notice was issued in an **Objection Outcome Notification** (or a longer period agreed by the Home Office). This Notification will state the amount of penalty following the consideration of the objection, the reasons for the decision, the date and method by which the penalty should be paid, an explanation of the steps the Secretary of State may take to recover the penalty, and an explanation of appeal rights.

Appeal

If, following an objection, the Home Office has reduced the penalty, increased the penalty or maintained the penalty; a GA owner or agent and captain may appeal to the Court within 28 days of the Objection Outcome Notification. Details on how to do this will be outlined in the Objection Outcome Notification.