



Home Office

Charging Procedures: A Guide for Carriers

S40 The Immigration and Asylum Act 1999 (as amended)

September 2024



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1 Introduction

1.1 What is the purpose of this guidance?

The aim of this guide is to help you as carriers understand:

- when you may become liable for charges under Section 40 of the Immigration and Asylum Act 1999 (I&AA) (as amended¹).
- how Section 40 charges are raised by UK Border Force.
- how you can make representations to Border Force after Section 40 liability has been raised.
- how you can submit objections to Border Force when a Section 40 charge demand has been received.
- your right of appeal to the courts.

1.2 The Legislation

You can become liable for Section 40 charges under [Section 40 of the Immigration and Asylum Act 1999](#) which came into effect on 8 December 2002. This Act replaced The Immigration (Carriers' Liability) Act 1987 (ICLA).

1.3 What is a Section 40 charge and when is a charge incurred?

Under UK legislation as the owners, agents or operators of a ship or aircraft² you may become liable for a charge of £2,000 for every passenger arriving in the UK without:

- a valid “immigration document” which satisfactorily establishes identity and nationality or citizenship.
- and, if the person requires a visa, a visa of the required kind or other permission to travel. This visa, or permission, may now be in either physical form, or a digital e-Visa.

¹ S40 of the I&AA 1999 has been amended by Section 125 of and Schedule 8 to the Nationality, Immigration and Asylum Act 2002.

² Under S.40 (7) of the I&AA 1999 the Secretary of State may by order apply these provisions to passengers arriving by train.

Section 40 charges do not apply to persons who are British or Irish Citizens. However, following the United Kingdom's exit from the European Union on 31 January 2020 and the end of the transition period at 23:00 hours on 31 December 2020, charges will apply to nationals of the European Economic Area and Switzerland³, unless they are protected under terms of the Withdrawal Agreement.⁴

1.4 CCTV Linkage

Section 40 charges may be raised in 'no document' cases as a result of CCTV linkage to a particular flight. There are two types of linkage - confirmed and unconfirmed. Whether a link is confirmed or unconfirmed is decided by a camera audit. A Section 40 charge will be raised in all cases of CCTV linkage.

A **Confirmed** link is one which is definitive and not in any reasonable doubt (i.e. where there is a dedicated camera covering just one gate). In these circumstances a Notification of a Potential Liability to a Charge (Form IS80B) will be issued.

An **Unconfirmed** link is one which is not definitive (i.e. where the camera is not necessarily on a gate but viewing a pier/walkway or where there is a possibility of traffic from two or more flights merging on a camera). In these circumstances it will usually be decided that no action will be taken, and a Notification of Arrival of an Improperly Documented Passenger (Form IS80A) will be issued.

1.5 What is expected of a carrier?

You do not need to satisfy yourself that the person will be acceptable to the United Kingdom authorities on arrival. That judgement can only be exercised by a UK Border Force officer. However, you are expected to make sure that:

- every passenger has a valid passport or travel document which is acceptable in the UK;
- the person is the rightful holder; and,
- if the person needs a visa, it is of the required kind and is valid for the holder. This visa may now be in either physical form, or a digital e-Visa.

The responsibility for deciding whether to carry the person rests with you as the carrying company in every case.

³ Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020

⁴ The Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020

2 Visas

2.1 Visas

A person requires a visa if:

- under the Immigration Rules they require a visa for entry to the United Kingdom; or
- they are transiting the UK and require a visa to transit through the United Kingdom without entering.

You can obtain information about which nationalities require visas and transit visas from the GOV.UK website [Visa and Direct Airside Transit Visa \(DATV\) nationals](#).

2.2 When a Section 40 charge will be raised

As a carrier you will be liable to a charge if a person requires a visa but does not have a valid visa of the required kind. The visa may now be in either physical form, or a digital e-Visa.

You may need to identify those passengers who are travelling only to the UK and those passengers who are simply transiting through the UK as part of a journey to another country.

If the passenger intends to stay in the UK, and holds a physical visa, the visa must be valid for the passenger to enter the United Kingdom. In most cases, if the passenger has a valid physical visa, you need not be concerned about the purpose for which the visa was issued, such as “Visit” or “Student”.

If a passenger holds a digital eVisa, you will not need to check if they are travelling to, or transiting, the UK: the receipt of a 0A (board) message, is satisfactory evidence of a passenger’s permission to travel on to the UK.

Please see Section 2.4 if a physical visa is endorsed “Child visitor”.

A physical visa endorsed “Direct Airside Transit” is not valid for entry to the United Kingdom.

2.3 Visa Checks

If a passenger holds a digital eVisa, they may no longer have a physical visa or other permission document to inspect. The receipt of a 0A (board) message is satisfactory evidence of their permission to travel to the UK.

Some passengers with eVisas may also hold a physical visa or other permission document.

Some passengers may still **only** be in possession of a physical document providing proof of their visa or permission to travel. In these cases, you will receive a 0Z or 0B (check) message from the Home Office. However, presentation of a valid, genuine physical proof of permission also remains satisfactory evidence of a passenger's permission to travel to the UK.

The types of visas and other physical permission documents you may be presented are largely those you will be used to seeing. Whilst this is not an exhaustive list, acceptable physical documents include:

- a valid visa vignette contained in the passenger's passport,
- a valid visa vignette endorsed on a Form for Affixing a Visa (FAV),
- a valid UK-issued biometric residence permit,
- a valid UK-issued EUSS biometric residence card,
- a Certificate of Entitlement to the Right of Abode endorsed in a valid passport,
- an EU Settlement Scheme family permit,
- an EU Settlement Scheme travel permit,
- a vignette or wet ink endorsement in a previous passport that confers Indefinite Leave to Enter or Remain (when presented alongside a valid passport),
- an equivalent immigration permission granted by the Crown Dependencies (Jersey, Guernsey or the Isle of Man),
- a Frontier Worker Permit,
- a valid UK (Home Office-issued) Refugee Travel Document,
- a valid UK (Home Office-issued) Stateless Persons Travel Document,
- a valid UK (Home Office-issued) Certificate of Travel.

Where a passenger does not have a valid physical visa or visa exemption document, you may also accept evidence of UK status where this is provided by the passenger via the online '[View and Prove](#)' service. In order to provide this evidence a passenger will need to log onto their eVisa account and generate a share code. You can then use the share code

(and the passenger's date of birth) to check the passenger's status information using the 'Check someone's immigration' status service on gov.uk⁵.

Visa nationals who have a valid pending application to the EU Settlement Scheme are advised not to travel to the UK until their application is granted unless they hold a valid visa or visa exemption document. A Certificate of Application or Acknowledgement of Application is not satisfactory evidence of status.

If presented with a physical document, you should check the:

- document is valid for the holder.
- document is valid for any other accompanying persons named in the passport.
- date from which the document is valid, and its date of expiry.

In **all** cases, checks must still be done to ensure the passenger's **travel document** is genuine, valid, and in the possession of the rightful holder.

2.4 Child Visas

If a passenger has a visa endorsed "Child visitor", you should check whether the visa is endorsed "accompanied" or "unaccompanied".

Where the visa is endorsed "accompanied," the visa will give details of the adult or adults who must accompany the child. If a child who has a child visit visa endorsed "accompanied" arrives either alone or with a person other than the person specified in the visa, then you will be liable to a charge.

Once a child holding an "accompanied child visitor" visa reaches the age of 18 the visa reverts to an ordinary "unaccompanied" visa.

Children holding "unaccompanied" visas may travel alone or with any adult.

2.5 The Transit without Visa Scheme (TWOV)

Landside Transit without Visa Scheme (TWOV):

Landside transit passengers are those who need or wish to pass through the UK border and enter the UK (e.g. to change airports, or to collect baggage or where a passenger has arrived at an airport where no airside transit is possible) whilst in transit.

At the time of check-in the passenger must:

⁵ [Check someone's immigration status: use their share code - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/check-someone-s-immigration-status)

- be arriving in, and departing from, the UK by air
- have a **confirmed** onward booking, to a destination outside the United Kingdom before **23.59** hours the following day, **and**
- have the necessary documents, such as a genuine valid visa for their **final** destination and also, if required, for any intermediate points en route to the final destination.

Where UK Border Force has doubts about the genuineness of the passenger, the passenger may be refused entry to the UK and you may be directed to remove the passenger back to their original departure point.

ALL visa nationals may TWOV if they satisfy the three conditions set out above **and** also have one of the exemption documents listed below:

1. When the passenger has a valid visa to Australia, Canada, New Zealand or the United States of America and a ticket to the country for which the visa is issued.

The passenger must be intending to travel to one of the four countries listed above. However this need not be immediately after departure from the UK (for example the following routings are acceptable for TWOV):

- (i) Hong Kong – London Heathrow – Paris – Los Angeles or
- (ii) Belgrade – London Heathrow – London Gatwick – Paris – London Gatwick– San Francisco

The entire journey must be part of a reasonable single journey from the passenger's initial point of departure. Breaks are allowed provided all the travel is part of the same journey.

When the passenger is travelling from Australia, Canada, New Zealand or the United States of America and has a valid visa and a valid ticket.

The passengers are usually returning to their place of residence from a visit to one of the four countries listed above. They do not need to be travelling in direct transit to their final destination and side visits may be made (for example: Los Angeles – London Heathrow – Madrid – London Heathrow –Mumbai provided the passenger is assured of entry to the country being visited on the side trip - in this example Spain). Entry must be assured – in the above example a Category “C” Schengen visit visa would be sufficient. The entire journey must be part of a reasonable single journey to the passenger's final destination. Breaks are allowed provided all the travel is part of the same journey.

2. When the passenger is travelling from Australia, Canada, New Zealand or the United States of America and has a valid ticket to travel through the UK not more than six months after entering one of these countries with a valid visa.

This section applies to passengers who have entered one of the four listed countries with a valid visa and are now travelling via the UK not more than six months after entering with a valid visa. If a DATV national, for example an Indian, travelled to the USA with a visit visa, the passenger stayed for 5 months and then returned to India via the UK they would be able to TWOV. If however the same passenger remained in the USA for 10 months and then wanted to travel via the UK, unless they had been issued with a “Green Card” I-551, they would not be acceptable to TWOV. Whether the passenger legally extends their stay or not, if their intended return via the UK is more than six months since their entry with a visa, then a transit visa (DATV or Category “B” visa is required).

Passengers having transit visas for Australia, Canada, New Zealand or the United States of America are treated in the same way in (1) and (2) above.

3. Passengers who have a valid I-551 (Green Card) Permanent Residence card for the United States of America issued on or after 21 April 1998.

Expired I-551 Green Cards issued after 21 April 1998 can be accepted if the passenger also has a valid I-797 letter authorising the extension of the card. Valid I-551 Temporary Immigrant visas may be accepted. Passengers immigrating to the USA and having USA Immigration Form 155A/155B (attached to a sealed brown envelope) may also be accepted.

Please note that passengers with a USA visa foil marked “YY” or “ZZ” or “Not a visa Foil prepared at DHS request” cannot TWOV. This is not an acceptable document for TWOV. Passengers with a USA Adit stamp or any other stamp showing that processing is underway in the USA for residence, a transportation letter, any kind of parole letter in the USA or a sticker extension to an expired I-551 Permanent Residence card (without a valid accompanying I-797 letter) - these are not acceptable for passengers seeking to TWOV.

4. Passengers having a valid Canadian permanent residence card issued after 28 June 2002 are able to transit without visa. However, Canadian Citizenship cards are not acceptable as travel documents and should not be accepted in place of a permanent residence card.

5. Passengers who have a valid Permanent Residence Permit for Australia or New Zealand are able to transit without a visa

Please note that passengers having acceptable documents listed in (3), (4) and (5) above do not have to be travelling to, or have a valid ticket to or from, the country who issued them with the residence card.

For example a Nigerian who has a permanent residence card for Canada may travel TWOV on this route; Amsterdam – London Gatwick – London Heathrow – Los Angeles.

6. Passengers having a valid common format residence permit issued by an EEA state or Switzerland.

Passengers who have a valid common format residence permit issued by an EEA state or Switzerland do not have to be travelling to or from the country which issued the permit. Please note that there are several forms of residence permits issued by EEA states, but the only acceptable permits are those which are issued following the directions given in the Council Regulation (EC) No. 1030/2002.

These permits may take the form of a vignette (sticker) in a passport or a plastic card. There are several common features of these cards all set out in the directive – the permits are coloured mainly pink and blue, each has an EU Kinegram, also printed on the permits is the image of a bull and five stars. All other permits such as the large A4 sized Italian Permesso di Soggiorno, or an Irish Work Permit sticker are not common format residence permits and are not acceptable as an exemption document for DATV nationals seeking to TWOV.

7. Passengers who have a uniform format Category “D” visa for entry to an EEA state or Switzerland.

Category “D” uniform format visas are issued to those who have an authorised stay in an EEA state or Switzerland usually for more than 90 days – you may see some marked “D”, “D1”, “D2”, “CD”, or “C+D” - all these forms are acceptable. Passengers having Category “D” uniform format visas do not have to be travelling to or from the country which issued the visa.

Those uniform format visas marked Category “A”, “B” or “C” are not acceptable to TWOV.

8. When the passenger has a valid uniform format Irish biometric visa endorsed “BC” or BC BIVS” and a ticket to Ireland.

The passenger must be intending to travel directly onto the Republic of Ireland by air.

9. When the passenger has a valid uniform format Irish biometric visa endorsed “BC” or BC BIVS” and a ticket from Ireland provided it is less than 3 months since the holder last entered there.

The passenger must be arriving direct from the Republic of Ireland by air and will normally be returning to their country of residence.

E-Visas or E-Residence Permits are not acceptable for landside transit.

Where you genuinely believe that the passenger’s sole purpose in travelling to the United Kingdom was to travel on to another country, and he qualifies for a visa waiver under the

terms notified by the International Civil Aviation Organisation, then the passenger may be accepted for carriage to the third country via the United Kingdom without a United Kingdom visa (i.e. Transit Without Visa).

However, if, under landside TWOV, a visa national passenger travels without a UK visa to a third country via the United Kingdom but is subsequently denied onward carriage by the airline whilst in the United Kingdom because of the detection of an inadequacy in documentation (for example a falsified passport), then this administrative concession will no longer apply. Therefore as the inward carrier you may be liable to a charge.

2.6 Direct Airside Transit without Visa Scheme:

Airside transit passengers are those who do not need to change airports and do not need to pass through the UK border. Passengers cannot transit airside to the Republic of Ireland or anywhere within the Common Travel Area.

At the time of check-in the passenger must:

- be arriving in, and departing from, the UK by air,
- have a **confirmed** onward booking, to a destination outside the United Kingdom before **23.59** hours the same day from the same airport – i.e. Heathrow, Gatwick or Manchester, **and**
- have the necessary documents, such as a genuine valid visa for his **final** destination and also, if required, for any intermediate points en route to the final destination.

Non-Direct Airside Transit Visa Nationals (Non-DATVs)

A non-DATV national may TWOV airside without a UK visa if they satisfy the three conditions set out above at 2.5.

Direct Airside Transit Visa Nationals (DATVs)

DATV nationals may TWOV airside if they satisfy the three conditions set out above at 2.5 and have one of the exemption documents listed in section 2.5 OR one of the additional exemption documents listed below:

1. the passenger has a valid uniform format Irish biometric visa endorsed “BC” or BC BIVS”.

The passenger must be on a reasonable journey to or from a destination other than the Republic of Ireland in order to transit airside via the UK.

2. the passenger has a valid visa for USA, Australia, Canada, New Zealand. The passenger does not need to be travelling to or from one of the four countries listed

above but must meet the airside TWOV requirements and be travelling as part of a reasonable single journey from the passenger's initial point of departure via the United Kingdom. (For example an Indian national holding a valid USA visa and routed Mumbai – London Heathrow - Buenos Aires may TWOV airside; or a Russian holding a New Zealand visa and travelling Moscow – London Gatwick – Frankfurt - Windhoek).

3. the passenger has a valid Schengen Approved (ADS) group tourism visa.
4. The passenger must also hold a valid airline ticket and either be travelling to the Schengen country which issued the visa or be travelling directly from the Schengen area and can demonstrate they entered there no more than 30 days previously on the basis of their valid Schengen ADS visa . NB: ADS visas are currently only issued to Chinese tour groups.

E-Visas or E-Residence permits are not acceptable for airside transit unless the airline is able to verify it with the issuing country.

2.7 Passengers proceeding to Ireland

Visa nationals seeking to travel via the UK to Ireland are able to do so without a visa provided that all the **general conditions in section 2.5 above** are met. A DAT physical visa, category "A" allowing only airside transit is **not** valid for visa nationals seeking to TWOV as all flights to Ireland from UK airports are local flights and passengers must first enter the UK to join these flights. All DATV nationals require a UK visit visa (category "C" not category "A" or "B") to travel on to Ireland unless they have one of the exemption documents listed in section **2.5** above.

3 False Documents

As a carrier, you may be liable to a charge if a passenger presents a false passport or other document.

However, you will not be liable where the falsity is not 'reasonably apparent'. UK Border Force would consider a falsity as reasonably apparent "If it were of a standard which a trained representative of the carrying company, examining it carefully but briefly and without the use of technological aids, could reasonably be expected to detect it". This means that you must be able to see the forgery with the naked eye without the use of any aids such as magnifying glasses, lights or other technical equipment.

A 'trained representative' means a check-in agent, or other staff member working for you or your handling agents, who is expected to have a basic knowledge of how to identify false documents, but not to be expert nor to have the resources for a highly detailed examination.

3.1 Impersonation

You may be liable to a charge where a person presents a document which may be genuine, but which does not belong to them. Liability will be based on whether the dissimilarity between the person and the photograph in the document is such that it is "reasonably apparent".

The trained representative should therefore carefully examine the photograph and personal details in the document and compare these with the person presenting it in order to detect any impersonation.

3.2 Persons arriving in the UK without documents

You may be liable to a charge where a person arrives with no documents, unless you are able to provide evidence that the person held the correct document at departure. In such circumstances you may not be liable unless it can be shown that the document held at departure was not valid or acceptable in the UK, did not bear a visa of the required kind, or, where forged or related to another person, this was reasonably apparent.

3.3 Advice and Training

Where you have doubts about the documents presented by a passenger, it is advisable to resolve those doubts before deciding whether to carry the passenger.

You should not rely solely on the advice received from the Control Authority at the port of embarkation.

Where doubts exist, a contemporaneous record of the document details (i.e. number, date and place of issue, visas(s) held) and of the steps taken to verify them may prove to be of value during the representation or objection process.

Please note:

The Home Office offers guidance on United Kingdom document requirements and on the detection of false documents and will consider requests for training to assist carriers in meeting their obligations under S.40 I&AA. Such requests should be made to the Carriers Liaison Section (for details see paragraph 2.1)

See [section 10](#) below for information regarding direct support arrangements for carriers.

4 Charging Procedures

4.1 Initial Notification of Potential Liability to a Charge

When the UK Border Force establishes that a person has arrived in the UK and has failed to produce the required documents, you or your handling agent will be notified of the person's arrival as soon as practicable. You will also be given the opportunity to examine the document (if any was presented).

At this stage you may wish to make urgent enquiries to establish how the person may have evaded your own document examination and/or security operations at the originating port of embarkation.

4.2 Form CLA1

The UK Border Force will normally notify you of a potential Section 40 charge by serving **Form CLA1** on you or your handling agents within 24 hours of the passenger's arrival. Where the passenger has been linked to your flight through CCTV, this may take up to 5 days to allow time for full investigation of CCTV footage, and so may be served in parallel to the **Notification of Arrival of an Improperly Documented Passenger (Form IS80A)** or **Notification of a Potential Liability to a Charge (Form IS80B)**.

4.3 Formal Notification of Section 40 Charge

The encountering Border Force Officer will write an initial statement giving details of why there appears to be liability to a charge. They will additionally save any relevant documentation and forward to the Carriers' Liaison Section, as well as to you.

An Officer in the Carriers Liaison Section will then review the evidence provided and make a recommendation to their Higher Officer. If the Higher Officer decides that there is no action to be taken (perhaps, for example, because the falsity of a document was not reasonably apparent), you will be advised by a **Notification of Arrival of an Improperly Documented Passenger (Form IS80A)**.

If it is decided that there is potential liability to a charge, you will be advised by service of a **Notification of a Potential Liability to a Charge (Form IS80B)**, which will give details of the person's arrival. This will be your first formal notification that a charge is likely to be levied.

4.4 What will the Carriers Liaison Section have considered?

Service of **Notification of a Potential Liability to a Charge (Form IS80B)**, will indicate that the Officer has decided that a charge under the Act might be pursued. They will already have examined the case in detail, and will have taken account of all the issues, such as the standard of falsity, if a false document was presented or any exceptional circumstances.

4.5 Viewing the Document

As a carrier you, or your representative, have the right to view any document(s) used by a passenger where there is the possibility of a Section 40 charge being raised. If you wish to view a document, you should make arrangements with UK Border Force officials at the port at which the passenger arrived. It is advisable to contact the port as soon as possible after the arrival of the passenger as in some cases it is necessary to return the document with the passenger where the passenger is refused entry to the United Kingdom and removed back to the place of embarkation.

5 Representations to the Carriers Liaison Section

5.1 What is the time limit for making representations?

On receipt of a **Notification of a Potential Liability to a Charge (Form IS80B)**, you have 30 days in which to make representations to the Carriers Liaison Section. If you are unable to obtain the evidence you need within this period, please inform CLS without delay. They may be prepared to approve a short extension for submission of your representations, provided that you contact them promptly and you can show reasonable cause for the delay.

All representations must be submitted by email to ensure that there is a permanent and auditable means of reviewing decisions. However, there may be some occasions where written representations need to be posted by letter e.g. where domestic legislation does not allow for sharing of personal data in electronic form. In such circumstances, please contact CLS for prior arrangement.

Email: carriersliaisonsection@homeoffice.gov.uk

Please note that the Carriers Liaison Section is not obliged to consider representations received outside the 30-day period referred to above, unless an extension is sought, and given, at an early stage.

5.2 What should the representations include?

Your representations should give clear reasons why you consider that there is no liability to a charge. You may, for example, disagree that the falsity of a document is reasonably apparent, produce evidence which you consider shows that the person was properly documented when they boarded, or have evidence of receipt of a 0A message from the HO. Whatever your reasons, the Carriers Liaison Section will look at the case again in the light of what you have to say. Wherever possible, the review will be undertaken by a different officer and Higher Officer than the one who made the IS80B decision.

A letter of representation which does not address the particular issues of a case is unhelpful and should be avoided as it will not assist the Carriers Liaison Section in their considerations.

5.3 Approved Gate Check (AGC) Ports and 'No Document' Cases

If you receive notification of a Section 40 charge for a passenger who has arrived without a document from a port where you have AGC Status (see Section 9) then you should make representations to the Carriers Liaison Section in the normal way. You will not automatically receive a **Notification of a Decision not to Proceed with Charge (Form IS80C)** unless you make representations in this way.

5.4 When might a charge not be pursued?

Listed at [Appendix A](#) are some of the instances where the Carriers Liaison Section is likely to consider that a charge should not be pursued. This list is not exhaustive. There will always be unusual or exceptional circumstances which could persuade them that a charge is inappropriate, but it is for you to make that case on an individual case basis.

5.5 What forms will be provided if a charge is waived or imposed?

If the Carriers' Liaison Section, having considered any representations, decides that a charge should not be imposed, they will send you official notification of this by issuing a **Notification of a Decision not to Proceed with Charge (Form IS80C)**. The case will then be closed.

If they decide to impose the charge, they will issue a **Notification of Demand for Payment (Form IS80D)** advising you that you have **30 days** in which to pay.

CLS should respond to any representations made by you against a Section 40 charge within 30 days of receipt of that representation.

If you feel that the Port Inspector/Senior Officer should not have imposed the charge, you may object directly to the Inspector at the Carriers Liaison Section within **28 days** of service of the **Notification of Demand for Payment (Form IS80D)**. (See [Section 6](#))

You may also appeal to the Court against the decision to charge you. (See [Section 7](#))

5.6 What if representations are received after a charge notice has been served?

Representations received after a "charge notice" (**Notification of Demand for Payment Form IS80D**) has been served will be considered as if they were written objections.

You should note that objections must be submitted within **28 days** of service of the **Notification of Demand for Payment (Form IS80D)**. Any representations or objections received once this 28-day period has passed cannot be considered.

6 Making Objections to the Carriers' Liaison Section (CLS)

6.1 How to object if a charge is imposed

When you receive a “charge notice” (**Notification of Demand for Payment Form IS80D**) you may submit a written notice of objection by e-mail directly to the Carriers Liaison Section at carriersliaisonsection@homeoffice.gov.uk.

Where you have a prior arrangement with CLS to correspond by post, please forward to the address set out in [section 2.1](#).

Objections must be submitted within 28 days of service of the **Notification of Demand for Payment (Form IS80D)**. They must be in writing, including any fresh information not previously available, and should explain clearly why you believe the decision was incorrect.

If you require more than **28 days** to obtain the necessary information to support your objections, **you should still lodge your objection** by email as described above, explaining why you need extra time to provide further evidence. It may then be possible to agree a longer period with you, and this will be confirmed on a case-by-case basis. CLS will not consider late objections where no extension has been sought and agreed.

Wherever possible, the review will be undertaken by a different officer and Higher Officer than the one who made the IS80D decision.

6.2 When will there be a response to the objection?

The Carriers Liaison Section will consider your objection and decide whether or not to cancel the charge. You will be notified of a decision within 70 days of service of **Notification of Demand for Payment (Form IS80D)** unless a longer period is agreed with you.

6.3 Further Requests to Review a Charge after we have responded to a Notice of Objection.

Once the Carriers Liaison Section has responded to a Notice of Objection and the prescribed time limit for any Appeal to be lodged with the court (28 days after receipt of our response) has passed, no further review of the cases will take place.

7 Appeals to Court

7.1 When can an appeal be made to the courts?

Whether or not you give a written notice of objection you may appeal to the Court against the decision to charge you. You must appeal to the Court within **28 days** of the service of the charge notice (**Notification of Demand for Payment Form IS80D**) or, if you make a written objection, within **28 days** of service of our decision in response to your objections.

7.2 What is the procedure for making an appeal?

It is your responsibility to follow the correct legal procedures, and therefore you are advised to seek early independent advice if you are in any doubt as to how to proceed or as to the current appeal process. This guidance is not a substitute for independent legal advice.

- Part 52 of The Civil Procedure Rules governs the appeal process. The Rules can be found at: [Part 52 – Appeals – Civil Procedure Rules \(justice.gov.uk\)](https://www.justice.gov.uk/part-52)
- An Appellant's Notice, **which is a specific court form**, must be lodged at a county court (or, in Scotland, the Sheriffs Court,) within the time limits set out above.
- A list of county courts and information on making an application can be found at: [Find a Court or Tribunal - GOV.UK \(find-court-tribunal.service.gov.uk\)](https://www.gov.uk/find-court-tribunal)
- There may be a court fee required at the time of lodging an Appellant's Notice. You may also be liable to pay the Home Office's legal costs if your appeal is unsuccessful.
- Once you have lodged your Appellant's Notice it must be served upon the Home Office's legal representative within 7 days.

The address for service of papers on the Home Office is:

The Treasury Solicitor
Government Legal Department
102 Petty France
Westminster
London
SW1H 9GL

Service can also be made by email to thetreasurysolicitor@governmentlegal.gov.uk

The Treasury Solicitor or their agent will endeavour to contact you within 7 working days with proposals for the progression of the appeal. It is therefore important that on all your correspondence you make sure you provide:

1. Your full contact address to which legal papers can be sent:

This will usually be your business contact details, or those of your legal representative.

2. The individual port reference number:

This will be found at the top of the **Notification of Demand for Payment (Form IS80D)** and most other official documents you receive.

3. Your Appeal Claim Number provided by the court, and the court's address:

Your individual Appeal Claim Number will be particular to the court being used and found at the top of any correspondence from the court.

8 Payment of Section 40 Charges

8.1 How to make a payment

All payments must be made using your UAN/reference number.

Online:

To make an online payment by credit/debit card, ApplePay or Google pay, scan the QR code or go to:

<https://www.gov.uk/payments/home-office/pay-home-office>



Bank Transfer:

Account name: **Home Office**
Bank sort code: **60 70 80**
Account number: **10012672**
Bank Name: **NatWest**

From outside the United Kingdom:

Electronic Transfers

IBAN: **GB28NWBK60708010012672**
SWIFT/BIC: **NWBKGB2L**

Note: Remitter is liable for all bank charges

By Phone:

To make a card payment by phone please call us on 0345 01000122 selecting option 1.

Please have your reference number ready when you call.

Please be advised payments made by credit card may be subject of interest charges made by your credit card provider.

By Post:

Send cheques payable to **The Accounting Officer**

You must write your reference number on the back of the cheque and send it to:

Home Office Shared Service Centre

HO Box 5003
Newport
NP20 9BB

Transaction requests via email should be sent to:
Banking-cash-management@homeoffice.gov.uk

All general enquiries relating to the above should be directed to the Shared Service Centre on 0845 0100125

8.2 When the Home Office might take court action

Prompt payment of outstanding charges is required when the **Notification of Demand for Payment (Form IS80D)** is received, unless a written notice of objection is submitted and/or an appeal is lodged. If on objection it is decided not to cancel a charge and no appeal is lodged, or if an appeal to the Court is dismissed, payment must then be made within 28 days. The Home Office is responsible for recovering unpaid carriers' liability debts, which are then remitted to the Consolidated Fund at HM Treasury. However, payment will not be pursued until rights of objection and appeal have been exhausted. The Home Office is committed to a programme designed to deal vigorously with any carrier demonstrating a persistent reluctance to pay its outstanding carriers' liability charges.

Carriers should be aware that any sum payable to the Secretary of State as a charge under Section 40 I&AA may be recovered by the Secretary of State through the courts as a debt due to them. In any such proceedings for enforcement of a charge, no question may be raised as to the validity of the charge.

8.3 If a credit arises on your account

A credit may arise if the same charge is paid twice or if a charge that has been paid is later waived, perhaps because the person concerned has been granted refugee status (in that event you will not be given details of the charge concerned to protect the confidentiality of the asylum system).

The Home Office will automatically apply these credits on a monthly basis against the oldest undisputed charges open on account. We will write to you each month to confirm exactly how many credits have accrued and how they have been applied.

However, such credits will not be used to pay charges where objections or appeals are outstanding and where the charge has been placed under dispute. Neither will they be used to settle invoices where the time limit for objection or appeal has not passed, in which case we will exceptionally hold the credit over until the 28-day objection period has passed. Where there are no outstanding charges on your account the amount will be refunded.

9 Approved Gate Check (AGC) Status

9.1 What is Approved Gate Check Status?

Approved Gate Check Status is an arrangement whereby the Home Office agrees that it will normally waive charges relating to persons arriving without documents or in certain mutilated document cases where the carrier has AGC Status at that port of embarkation. It also offers up to two additional technical charge waivers per quarter.

AGC Status is granted in return for an audited high standard of document checking and security procedures at a port of embarkation, a good level of co-operation from you as the carrier, and a satisfactory record in respect of your responsibilities under Carriers' Liability legislation and under Section 40 of the I&AA.

Full guidance on attaining and retaining AGC accreditation can be found at <https://www.gov.uk/government/publications/application-for-approved-gate-check-status>

9.2 When will charges normally be waived?

There is no implication that charges will be waived in cases where AGC Status has been granted other than those where the person appears to have disposed of his document after embarkation, or in certain mutilated document cases. A charge will, for example, be imposed for any person arriving without a visa or with a document where any falsity is reasonably apparent. Such cases may be indicative of a failure by the carrier to maintain the requisite high standard of document checks.

9.3 Technical Charge Waivers

Any carrier holding AGC status on routes to the UK will be entitled to have two (2) charges per quarter, per individual route, waived for certain types of Inadequately Documented passenger arriving in the UK. These are:

- No visa, deferred visa, and expired visa (i.e. technical) cases where there are no obvious harm issues arising.

Charges will only be waived for infringements incurred on routes to the UK having current AGC status at the time of arrival.

- Charges waived will be those that would otherwise have been maintained by the receiving port.

- Carriers Liaison Section will identify applicable cases and inform the airline/sea carrier representative as soon as practicable.
- You will not have to object/appeal against a potential charge in the normal way. There will be no discretion for you to select an individual case for consideration.

You will receive a **Notification of a Decision not to Proceed with Charge (Form IS80C)** formally waiving the charge from the Carriers Liaison Section. This will explain that the waiver has been made in accordance with this concession.

- Carriers Liaison Section will continue to review and monitor the performance of AGC stations in consultation with parent carriers. AGC will be cancelled if performance levels are not met.
- Potential charges arising from no document arrivals on AGC routes will continue to be waived in the normal way.
- The arrangement will not be retrospective where charges have already been raised nor
- will it allow a 'roll over' of waivers from quarter to quarter or transfer between routes.

9.4 Can AGC Status be lost?

AGC remains a recognition of high standards of document security conducted by an airline or sea carrier on a particular route into the UK. Carriers and handling agent staff can continue to expect support from UKBF in terms of training, passenger referrals to both UK helplines and local Immigration Liaison Managers, and alerts and guidance issued centrally from Carriers Liaison Section.

All AGC agreements will be on an open-ended basis but will be subject to a review to risk policy. Where Border Force or Immigration Enforcement International colleagues report any concerns to CLS, or where routine analysis of Inadequately Documented Arrival events at the UK border illustrate any issues, CLS will conduct a performance review of the route. Where necessary, this may include cancellation of AGC status.

Details about AGC Status can be obtained from

<https://www.gov.uk/government/publications/application-for-approved-gate-check-status>

or by contacting: carriersliaisonsection@homeoffice.gov.uk

10 Support for Carriers

With the introduction of digital permissions and eVisas, you will be able to obtain advice from the Carrier Support Hub (CSH), as to whether a Section 40 charge is likely to be raised for the carriage of individual passengers. The CSH offers a 24/7 support service for carriers and is staffed by UK Border Force officers trained to deal with enquiries from carriers regarding all types of travel document requirements including identity documents, and both physical and e-Visas. The Hub has been designed to support carriers in their attempts to prevent inadequately documented passengers (IDPs) travelling to the UK, thereby reduced IDP arrivals and reducing carriers' liability for CL penalties. The CSH will make every effort to respond in a timely way to all requests for assistance regardless of the nationality of the passenger (this includes calls concerning British citizens who have lost their documents). CSH staff will also consider that you or your representative may be calling from an airline departure gate and that the time available for a response may be limited.

Whilst in the majority of cases it is expected that you will act on the advice given out by the CSH, you are not bound to act on the advice given and may, after taking into account commercial considerations, decide to carry the passenger anyway. In these circumstances' ports will raise a Section 40 charge if appropriate.

Officers in the CSH should provide the caller with their name, warrant number or a CSH reference number.

You should note that it will always be the responsibility of carriers to determine whether or not passengers' documents are genuine and are in the possession of the rightful holder.

You, or your representative, should consider the following information before using the Carrier Support Hub:

1. Does the passenger have an acceptable document? Is it genuine and held by the rightful holder?
2. Does the passenger require a UK visa?
3. What interactive message has been received from the Home Office in respect of this passenger?
4. If a 0A – Valid Permission to Travel message has not been received, and the passenger is a Visa National, do they hold a valid physical document?
5. If they do not, does the passenger qualify for TWOV or other exemption from the requirement to hold a visa?

11 More Information

11.1 Where to get more information about charges

If you require more information or advice on the administration of carriers' liability charges under S.40 of the I&AA, please contact the Inspector at the United Kingdom port of entry served by your company. Alternatively, you may contact the Carriers Liaison Section for guidance on these matters as well as about payment of charges, at the following address:

Carriers' Liaison Section

2nd Floor
Amadeus
The Quartet
Mondial Way
Hayes
Middlesex
UB3 5AR

Tel: 03000738962

E-Mail: carriersliaisonsection@homeoffice.gov.uk

11.2 Where to get more information on training

More detailed information on carrier training and training aids is available from:

Carriers' Liaison Section

2nd Floor
Amadeus
The Quartet
Mondial Way
Hayes
Middlesex
UB3 5AR

Tel: 03000738962

E-Mail: carriersliaisonsection@homeoffice.gov.uk

Appendix A: Examples of when charges may be waived

The following list describes some of the situations in which the Port Inspector/Senior Officer will normally be prepared to waive a charge in relation to a person who arrives without the required documents. **This list is not exhaustive.**

- Where the passenger is a child travelling as part of an organised school group, in the care of a responsible adult.
- Where the passenger has arrived on a flight or ship which, following departure, had been diverted to the United Kingdom due to medical emergency, urgent mechanical problems, severe weather conditions or other severe and unforeseen emergencies requiring diversion to a UK port. This concession will not apply where it was known before departure that the destination would be the United Kingdom or where a decision is subsequently taken to divert to the UK for commercial reasons only.
- The Carriers Liaison Section will take account of your previous record in carrying unauthorised persons. Account will also be taken of your record of cooperation with the UK Border Force in seeking to prevent the carriage of such persons, in particular whether you have acted on any advice offered by the UK Border Force.
- Where you had no realistic alternative but to transport the passenger to or via the United Kingdom. An example would be where the law or the Government of another country required a passenger's removal to or through the United Kingdom.
- A charge might not be waived, however, where you had previously carried the passenger through the United Kingdom without the documents required for that purpose – for example if the passenger had passed through the UK in direct transit without a necessary visa for his final destination or for any intermediate destination.
- Where there is evidence that you had acted on the advice of a representative of the United Kingdom Government, and it was reasonable, in the circumstances, for you to rely on that advice.
- Where, for example, a passenger has been carried on the advice of a UK mission abroad or a UK Border Force officer, the charge will normally be waived.
- Advice given on the authenticity of an individual document cannot always be regarded as definitive, particularly if advice is sought by telephone, and the UK Border Force has been unable to examine the document concerned. In addition, it is incumbent on you when seeking advice, to provide full and accurate information as to why you have doubts over the particular passenger's documentation.

- Where, at the time of check-in, the person seeking to embark was:
 - in imminent and self-evident danger of his or her life; and
 - he or she had no reasonable means of obtaining the necessary documents; and
 - the United Kingdom was, in the circumstances, the only or clearly the most appropriate destination; and
 - you had no opportunity to verify his or her acceptability with the United Kingdom authorities.
- In such circumstances the advised course of action, where possible, is to contact the nearest UNHCR or United Kingdom representative or the United Kingdom port of arrival, for advice and guidance on how best to proceed.
- Where there are compelling compassionate reasons or other compelling circumstances of an exceptional nature which would justify waiving of the charge, and where prior authority has been given by Border Force.
- Where, in the case of a used visa, the Border Force Officer's endorsement is not placed on the same page, or on an adjacent page. (Adjacent in this context means that no more than one page of the document need be turned either way in order to see the endorsement). A charge may be waived if the date of the endorsement is unclear.
- A charge will be maintained if the visa itself has expired.