



IMPORTANT NOTICE TO AIRFIELD OPERATORS

CUSTOMS AND EXCISE MANAGEMENT ACT 1979

PART III CUSTOMS AND EXCISE CONTROL AREAS

33: Power to inspect aircraft, aerodromes, records, etc

- (1) The commander of an aircraft shall permit an officer at any time to board the aircraft and inspect—
 - (a) the aircraft and any goods loaded therein; and
 - (b) all documents relating to the aircraft or to goods or persons carried therein;and an officer shall have the right of access at any time to any place to which access is required for the purpose of any such inspection.
- (2) The person in control of any aerodrome shall permit an officer at any time to enter upon and inspect the aerodrome and all buildings and goods thereon.
- (3) The person in control of an aerodrome licensed under any enactment relating to air navigation and, if so required by the Commissioners, the person in control of any other aerodrome shall—
 - (a) keep a record in such form and manner as the Commissioners may approve of all aircraft arriving at or departing from the aerodrome;
 - (b) keep that record available and produce it on demand to any officer, together with all other documents kept on the aerodrome which relate to the movement of aircraft; and
 - (c) permit any officer to make copies of and take extracts from any such record or document.
- (4) If any person contravenes or fails to comply with any of the provisions of this section he shall be liable on summary conviction to a penalty of **[level 4 on the standard scale currently £2,500]** or to imprisonment for a term not exceeding 3 months, or to both.



IMPORTANT NOTICE TO PILOTS

CUSTOMS AND EXCISE MANAGEMENT ACT 1979

PART III

CUSTOMS AND EXCISE CONTROL AREA S21 Control of movement of aircraft, etc. into and out of the United Kingdom

(1) Save as permitted by the Commissioners, the commander of an aircraft entering the United Kingdom from a place outside the United Kingdom shall not cause or permit the aircraft to land—

(a) for the first time after its arrival in the United Kingdom; or

(b) at any time while it is carrying passengers or goods brought in that aircraft from a place outside the United Kingdom and not yet cleared,

at any place other than a customs and excise airport.

[(1A) Subsection (1) above shall not apply by virtue only of the fact that the aircraft is carrying goods brought in it from a place outside the customs territory of the Community.]

(2) Save as permitted by the Commissioners, no person importing from a place within the customs territory of the Community or concerned in importing any goods in any aircraft shall bring the goods into the United Kingdom at any place other than a customs and excise airport.

(3) Save as permitted by the Commissioners—

(a) no person shall depart on a flight to a place or area outside the United Kingdom from any place in the United Kingdom other than a customs and excise airport; and

(b) the commander of any aircraft engaged in a flight from a customs and excise airport to a place or area outside the United Kingdom shall not cause or permit it to land at any place in the United Kingdom other than a customs and excise airport specified in the application for clearance for that flight.

(4) Subsections (1) to (3) above shall not apply in relation to any aircraft flying from or to any place or area outside the United Kingdom to or from any place in the United Kingdom which is required by or under any enactment relating to air navigation, or is compelled by accident, stress of weather or other unavoidable cause, to land at a place other than a customs and excise airport; but, subject to subsection (5) below,—

(a) the commander of any such aircraft—

(i) shall immediately report the landing to an officer or constable and shall on demand produce to him the journey log book belonging to the aircraft,

(ii) shall not without the consent of an officer permit any goods carried in the aircraft to be unloaded from, or any of the crew or passengers to depart from the vicinity of, the aircraft, and

(iii) shall comply with any directions given by an officer with respect to any such goods; and

(b) no passenger or member of the crew shall without the consent of an officer or constable leave the immediate vicinity of any such aircraft.

[(4A) Subsection 4(a)(ii) and (iii) above shall not apply in relation to goods brought in the aircraft from a place outside the customs territory of the Community.]

(5) Nothing in subsection (4) above shall prohibit—

(a) the departure of passengers or crew from the vicinity of an aircraft; or

(b) the removal of goods from an aircraft,

where that departure or removal is necessary for reasons of health, safety or the preservation of life or property.

(6) Any person contravening or failing to comply with any provision of this section shall be liable on summary conviction to a penalty of [level 4 on the standard scale currently £2,500], or to imprisonment for a term not exceeding 3 months, or to both.

(7) In this Act “customs and excise airport” means an aerodrome for the time being designated as a place for the landing or departure of aircraft for the purposes of the customs and excise Acts by an order made by the Secretary of State with the concurrence of the Commissioners which is in force under an Order in Council made in pursuance of [section 60 of the Civil Aviation Act 1982].

[(8) References in this section to a place or area outside the United Kingdom do not include references to a place or area in the Isle of Man and in subsection (3)(b) above the reference to a place in the United Kingdom includes a reference to a place in the Isle of Man.]



IMPORTANT NOTICE TO PILOTS

Section 35 Customs & Excise Management Act 1979

(1) Report shall be made in such form and manner and containing such particulars as the Commissioners may direct of every ship and aircraft to which this section applies **F1** . . .

(2) This section applies to every ship arriving at a port—

- (a) from any place outside the United Kingdom; or
- (b) carrying any goods brought in that ship from some place outside the United Kingdom and not yet cleared on importation.

(3) This section applies to every aircraft arriving at any place in the United Kingdom—

- (a) from any place or area outside the United Kingdom; or
- (b) carrying passengers or goods taken on board that aircraft at a place outside the United Kingdom, being passengers or goods either—
 - (i) bound for a destination in the United Kingdom and not already cleared at a customs and excise airport; or
 - (ii) bound for a destination outside the United Kingdom.

(4) The Commissioners may make regulations prescribing the procedure for making report under this section.

(5) If the person by whom the report should be made fails to make report as required by or under this section—

- (a) he shall be liable on summary conviction to a penalty of **[F2level 3 on the standard scale]**; and
- (b) any goods required to be reported which are not duly reported may be detained by any officer until so reported or until the omission is explained to the satisfaction of the Commissioners, and may in the meantime be deposited in a Queen's warehouse.

(6) The person making the report shall at the time of making it answer all such questions relating to the ship, **[F3or aircraft]**, to the goods carried therein, to the crew and to the voyage, **[F3or flight]** as may be put to him by the proper officer; and if he refuses to answer he shall be liable on summary conviction to a penalty of **[F4level 3 on the standard scale]**.

(7) If at any time after a ship or aircraft carrying goods brought therein from any place outside the United Kingdom arrives **[F5in or over United Kingdom waters]** , **F6** . . . and before report has been made in accordance with this section—

- (a) bulk is broken; or
- (b) any alteration is made in the stowage of any goods carried so as to facilitate the unloading of any part thereof before due report has been made; or
- (c) any part of the goods is staved, destroyed or thrown overboard or any container is opened, and the matter is not explained to the satisfaction of the Commissioners, the master of the ship or commander of the aircraft **F6** . . . shall be liable on summary conviction to a penalty of **[F7level 3 on the standard scale]**.



IMPORTANT NOTICE TO AIRFIELD OPERATORS

IMMIGRATION ACT 1971

Under paragraph 27 of Schedule 2 to the Immigration Act 1971, (“the Act”) and the Immigration (Particulars of Passenger and Crew) Order 1972, the captain of any aircraft arriving in the United Kingdom from outside of the Common Travel Area (CTA) must provide, if so requested by an immigration officer:

- (a) a list of the names and nationalities of all passengers arriving on the aircraft; and
- (b) a list of the names, dates of birth and nationalities of all members of the crew arriving on the aircraft.

This applies to all flights regardless of whether or not the flight is the return sector of a flight that originally departed from the UK.

Notification is undertaken by completing a General Aviation Report (GAR) which is to be faxed to the National Co-Ordination Unit (fax number 01708 862521) and to the Immigration Office at Norwich International Airport, Amsterdam Way, Norwich NR6 6EP (fax number 01603 268961) no less than four hours in advance of the intended arrival time. Copies of the form ‘GAR’ are available from the internet (Google General Aviation Report and click on customs.hmrc.gov.uk) and from this airport office on 01603 268960.

Failure to comply with a request to provide a passenger or crew list without reasonable excuse is an offence under section 27 of the Act.

Paragraph 27 (1) of Schedule 2 to the Act states, inter alia,

“The captain of a ship or aircraft arriving in the United Kingdom-
(a) shall take such steps as may be necessary to secure that persons on board do not disembark there unless either they have been examined by an immigration officer, or they disembark in accordance with arrangements approved by an immigration officer, or they are members of the crew who may lawfully enter the United Kingdom without leave by virtue of Section 8(1) of this Act; and.....”

Paragraph 27 (2) of Schedule 2 to the Act states,

“The Secretary of State may by order made by statutory instrument make provision for requiring captains of ships or aircraft arriving in the United Kingdom, or of such of them as arrive from or by way of countries or places specified in the order, to furnish to immigration officers:

- (a) a passenger list showing the names and nationality or citizenship of passengers arriving on board the ship or aircraft;
- (b) particulars of members of crew of the ship or aircraft; and for enabling an immigration officer to dispense with the furnishing of any such list or particulars.”

Section 27 of the Act states, inter alia,

“A person shall be guilty of an offence punishable on summary conviction with a fine of not more than [level five on the standard scale currently £5,000] or with imprisonment for not more than six months, or with both, in any of the following cases

- a) if, being the captain of a ship or aircraft,-
i) he knowingly permits a person to disembark in the United Kingdom when required under Schedule 2 or 3 to this Act to prevent it, or fails without reasonable excuse to take any steps he is required by or under Schedule 2 to take in connection with the disembarkation or examination of passengers or for furnishing a passenger list or particulars of members of the crew;

(c) if, as owner or agent of a ship or aircraft or as a person concerned in the management of a port, he fails, without reasonable excuse, to take any steps required by Schedule 2 in relation to the embarkation or disembarkation of passengers where a control area is designated

This notice does not affect the statutory requirements of the other Control Authorities

NB: The Common Travel Area consists of the United Kingdom, the Irish Republic, the Isle of Man and the Channel Islands.



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