

The Customs and Excise (Vessels and Aircraft) (Outbound Passenger Information) Directions, 2022

*Under sections 27(1)(a) and 28(2) of
the Customs and General Provisions (Bailiwick of Guernsey) Law, 1972 ("**the Law**")*

1 Legal status and content of these Directions

- 1.1 These Directions are –
- (a) directions under section 27(1)(a) of the Law as to the form, manner and content of the entry outwards required to be delivered by the master of a vessel on board of which goods or stores are to be loaded at a port in the Bailiwick for a voyage to an eventual destination outside the Bailiwick,
 - (b) directions under section 28(2) of the Law as to the procedure for any vessel or aircraft to obtain clearance for departure from the Bailiwick on a voyage or flight to an eventual destination outside the Bailiwick, and
 - (c) directions under section 28(2) of the Law as to the documents to be produced and information to be provided by any person applying for such clearance.
- 1.2 These Directions and the Outbound Goods Directions supersede any other previous directions issued or made in respect of the report required to be submitted under these Directions.

2 Compliance with these Directions

- 2.1 The following persons are responsible for complying with these Directions, even if an agent or other person acts on behalf of the person –
- (a) the applicant, and
 - (b) where a report is required under section 27(1)(a) of the Law, the master of the vessel concerned.
- 2.2 Non-compliance with these Directions may result in –
- (a) forfeiture of goods and stores being loaded or loaded into the vessel or aircraft, and
 - (b) the master of the vessel or (as the case may be) commander of the aircraft, and any person concerned in the loading of the goods and stores in the vessel or aircraft, committing a criminal offence punishable on conviction by a fine, imprisonment or both.
- 2.3 Compliance with these Directions and the Outbound Goods Directions automatically results in clearance being given for the departure of the vessel or aircraft from the Bailiwick at the time declared for its departure unless before its departure the Chief Revenue Officer notifies the master of the vessel or (as the case may be) commander of the aircraft, or the person applying for clearance, that the vessel or aircraft has not been cleared for departure.
- 2.4 Conversely, non-compliance with these Directions or the Outbound Goods Directions automatically results in clearance being denied for the departure of the vessel or aircraft from the Bailiwick, unless before its departure the Chief Revenue Officer specifically notifies the master of the vessel or (as the case may be) commander of the aircraft, or the person applying for clearance, that the vessel or aircraft has been cleared for departure.

3 General Aviation Report

The General Aviation Report required to be completed and submitted under paragraph 7.1(a):

- (a) refers to the form specified in Schedule 1,
- (b) is available at the place indicated in that schedule, and
- (c) must be completed and submitted in accordance with the procedure specified in that schedule.

4 Interpretation

4.1 In these Directions, unless the context requires otherwise –

"applicant" means a person that applies for clearance for a vessel or aircraft to depart from the Bailiwick on a voyage of flight to an eventual destination outside the Bailiwick,

"Bailiwick" has the same meaning as Island in the Law,

"commercial aircraft" means any civilian aircraft used for the carriage for hire or reward of passengers, or mail or other cargo,

"commercial vessel" means any civilian vessel used for the carriage for hire or reward of passengers, or mail or other cargo,

"the Law" means the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972,

"Outbound Goods Directions" means the Customs and Excise (Vessels and Aircraft) (Inbound and Outbound Goods Information) Directions, 2022, so far as those Directions relate to the departure of a vessel or aircraft from the Bailiwick,

"private aircraft" means any civilian aircraft other than commercial aircraft,

"relevant vessel or aircraft" means –

- (a) a commercial vessel, or an aircraft, that is departing or proposes to depart from the Bailiwick to an eventual destination outside the Bailiwick, but
- (b) excludes any fishing vessel registered in Part II of the Guernsey Register of British Ships kept under the Merchant Shipping (Bailiwick of Guernsey) Law, 2002,

"report" –

- (a) means a report required to be made under paragraph 5, and
- (b) includes an entry required under section 27(1)(a) of the Law,

"report information" means the information required to be included in each report under paragraph 6 and Schedule 2, and

"**responsible person**", in relation to a relevant vessel or aircraft, means –

- (a) the applicant, and
- (b) in the case of an entry required under section 27(1)(a) of the Law, the master of the vessel.

4.2 Unless the context requires otherwise, an expression used in these Directions and not defined in paragraph 4.1 has the meaning given in the Law.

5 Directions to make reports in respect of passengers

The responsible person must make a report to the Chief Revenue Officer in accordance with these Directions.

6 Information required for reports

A report must include all the information required to be included by Schedule 2.

7 Procedure for making reports.

7.1 Subject to paragraph 7.2, the responsible person must make the report –

- (a) in the case of private aircraft, by completing and submitting a General Aviation Report, and
- (b) in the case of a commercial vessel or commercial aircraft, by
 - (i) granting the Chief Revenue Officer direct access to the report information on any database or other electronic storage system, or
 - (ii) emailing the report information to the Chief Revenue Officer –
 - (A) in the case of a departure from Alderney, at Alderney@gba.gov.gg, and
 - (B) in the case of a departure from anywhere else, at detectionbranch@gba.gov.gg.

7.2 Where formal notification is given by the Chief Revenue Officer to the responsible person that business continuity procedures have been activated, or where special arrangements have been made with the agreement of the Chief Revenue Officer in an individual case –

- (a) a report in the case of a private aircraft may be made by emailing the form required to be completed under paragraph 7.1 –
 - (i) in the case of a departure from Alderney, at Alderney@gba.gov.gg, and
 - (ii) in the case of a departure from anywhere else, at detectionbranch@gba.gov.gg.
- (b) a report in any other case may be made by delivering it in paper form to a Customs office in the Bailiwick, and
- (c) in any case, a report may be made in any other manner directed by the Chief Revenue Officer.

8 Time for making reports and updating requirements.

- 8.1 A report ("**original report**") must be made –
- (a) no later than two hours before the departure of the relevant vessel or aircraft from the port or airport in the Bailiwick, and
 - (b) in the case of a vessel, before any goods are taken on board that vessel at the port, as required by section 27(1) of the Law.
- 8.2 If any information provided in the original report is no longer materially correct at the time that the vessel or aircraft departs from that port or airport, the responsible person must make another report ("**update report**") to correct that information –
- (a) as soon as practicable after the responsible person becomes aware of the correct information, and
 - (b) in any event, no later than that time of departure.
- 8.3 Paragraphs 8.1(a) and 8.2 are subject to any directions to the contrary issued by the Committee.
- 8.4 An update report must be made –
- (a) where reasonably practicable, in the same manner as the original report, and
 - (b) in any other case, in accordance with paragraph 7.
- 8.5 Once made, an update report is to be regarded as an original report and paragraphs 8.2, 8.3 and 8.4 apply accordingly.

9 Citation and Commencement

- 9.1 These Directions may be cited as the Customs and Excise (Vessels and Aircraft) (Outbound Passenger Information) Directions, 2022.
- 9.2 These Directions come into force on 7th March, 2022.

Dated this 7th day of March, 2022



Deputy Robert Prow
President of the Committee for Home Affairs
For and on behalf of the Committee

SCHEDULE 1

Para. 3

GENERAL AVIATION REPORT FORM, WHERE THESE ARE AVAILABLE AND PROCEDURE FOR SUBMITTING A REPORT USING THE FORM

Form	Where available	Procedure for submitting report
<p>General Aviation Report (GAR) (the latest published version)</p>	<p>Published online by the Guernsey Border Agency.</p> <p><i>Note: at the time these Directions are issued, the form is available here.</i></p> <p>The form is also available from any Customs office at Guernsey or Alderney airport and at the Offices of both Guernsey and Alderney Airports.</p>	<p>In the case of departures from Guernsey airport, the completed report must be submitted either at the airport Customs Office (post box by door to Customs Office in the main terminal building), a designated collection point (Airport Flight Briefing office and aircraft handling agents ASG and Aiglle) or by way of an electronically signed form emailed to detectionbranch@gba.gov.gg.</p> <p>In the case of departures from Alderney airport, the completed report must be submitted at the Customs Office at the airport or by way of an electronically signed form emailed to Alderney@gba.gov.gg.</p>

SCHEDULE 2

Para. 6

INFORMATION THAT MUST BE INCLUDED IN EACH REPORT

1. In all cases, the following information must be included in each report –
 - (a) name, number or registration details of the relevant vessel or aircraft,
 - (b) total number of passengers carried on the relevant vessel or aircraft,
 - (c) particulars of the departure of the relevant aircraft or aircraft, including point of departure, date and time,
 - (d) name of the person completing the report, and
 - (e) contact telephone number of the operator, commander or master of the relevant vessel or aircraft.

2. In the case of any commercial vessel or commercial aircraft, the following details for each passenger must be included in the report –
 - (a) identity including: full name, date of birth, nationality and any other information displayed on the person's travel document,
 - (b) address and any contact details,
 - (c) any particulars recorded in connection with the reservation and checking in (including travel document information),
 - (d) any particulars recorded in connection with the issue of the ticket (for travel),
 - (e) any particulars recorded in connection with the payment made for that ticket,
 - (f) the number and names of passengers on the same booking,
 - (g) particulars of the journey and of any other journey covered by the same reservation,
 - (h) particulars of any seat allocated to that passenger,
 - (i) particulars of any services or facilities covered by the reservation made for that passenger, and
 - (j) particulars of any vehicle carried on that vessel or aircraft in relation to which that person is a driver or passenger.

3. In the case of any private aircraft, the following details for each passenger must be included in the report –
 - (a) family and given names,
 - (b) nationality,
 - (c) date and place of birth,
 - (d) port of embarkation, and
 - (e) port of disembarkation.