

GEN 1.3 ENTRY, TRANSIT AND DEPARTURE OF PASSENGERS AND CREW

1 CUSTOMS REQUIREMENTS

1.1 Aircrew

1.1.1 Arriving on Flights from other EU Countries

1.1.1.1 The duty/tax free allowances do not apply to intra EU crew. No declaration is required to be made unless they are carrying goods which need to be declared such as prohibited or restricted goods. Also, there is no customs restriction on crew members' exit route from the airport (although in practice at most larger airports their movements are constrained by security measures).

1.1.2 Arriving on Flights from Non-EU Countries

1.1.2.1 The Border Force officer at the airport of arrival will be able to advise on the arrangements in operation there for clearance of aircrew. Normally, this will involve the crew members in either:

- (a) Making a declaration on Form C909; or
- (b) making an oral declaration in the Red Channel or at the Red Point, if they are carrying goods in excess of the customs allowances.

1.1.2.2 The terms of this paragraph apply not only to crew who have arrived on a direct flight from outside the EU, but also to crew whose aircraft has made a stopover at another EU airport.

1.1.3 Departing on Flights to Non-EU Destinations

1.1.3.1 It is not normally necessary for crews' effects to be made available for Border Force inspection, except when refund of VAT is being claimed under the Retail Export Scheme. VAT leaflet 704/1 explains the conditions under which aircrew are eligible for the Scheme, and the procedures to be followed. →

1.2 Passengers

1.2.1 Arriving on Domestic Flights

1.2.1.1 The hold baggage of passengers who arrived in the United Kingdom from a non-EU Country and have transferred to a domestic flight will be subject to customs control at the destination airport, if it has not been cleared at the airport of arrival in the United Kingdom. The Border Force officer at the destination airport should be contacted for details of the arrangements.

1.2.2 Arriving on Flights from other EU Countries

1.2.2.1 Passengers on direct flights from other EU Countries are not normally required to make any declaration and at most airports proceed through a separate EU exit.

1.2.2.2 The only exception is for passengers who commenced their journey outside the EU and have transferred to a flight to the United Kingdom after arriving in another EU Country. After reclaiming their hold baggage, such passengers must make an oral declaration in the Red Channel or at the Red Point, if they are carrying goods in excess of Customs allowances or prohibited or restricted items. Passengers with nothing to declare should proceed through the Green Channel.

1.2.3 Arriving on Flights from Non-EU Countries

1.2.3.1 After disembarkation, passengers completing their journey at a United Kingdom airport reclaim any hold baggage, and if they are carrying goods in excess of Customs allowances, cash or equivalent of €10000 or more, prohibited or restricted items or commercial goods, they must make an oral declaration in the Red Channel or at the Red Point. Passengers with nothing to declare should proceed through the Green Channel. These procedures apply not only to passengers who have arrived on a direct flight from outside the EU, but also to passengers whose aircraft has made a stopover at another EU airport.

1.2.3.2 Passengers who are transferring to a flight to another EU Country do not reclaim their hold baggage, but must declare any goods in their cabin baggage which are in excess of customs allowances.

1.2.3.3 Passengers who are transferring to a flight to a non-EU Country are not required to make any declaration to customs.

1.2.3.4 The Border Force officer at the airport of arrival should be contacted for advice on the arrangements there for passengers transferring to a flight to another United Kingdom airport, as these may vary depending on local circumstances.

1.2.4 Departing on Flights to Non-EU Destinations

1.2.4.1 It is not normally necessary for passengers baggage to be made available to Border Force, except when refund of VAT is being claimed under the Retail Export Scheme. VAT leaflet 704/1 explains the conditions under which passengers are eligible for the Scheme and the procedures to be followed. →

1.3 Further Information

1.3.1 Further information on the customs requirements for international travellers, including details of customs allowances, is in Notice 1- Travelling to the UK.

1.4 Custom's forms and Notices

1.4.1 Copies of all customs forms, notices and leaflets may be obtained free of charge from the HMRC website www.hmrc.gov.uk or from the HMRC, Customs, International Trade and Excise enquiries service tel: 0845-010 9000.

2 IMMIGRATION REQUIREMENTS

2.1 Aircrew

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- 2.1.1 In the case of an aircrew member arriving or departing as such, a valid crew licence or crew member certificate which includes a certification that the holder may at all times re-enter the state of issuance, is acceptable as a document of identity. Aircrew travelling as passengers are required to comply with the provisions of paragraph 2.2.1.
- 2.1.2 When a person subject to immigration control arrives as a member of the crew of an aircraft and is under an engagement requiring him to leave within seven days as a member of the crew of that or another aircraft, he may enter the United Kingdom without leave and remain until the departure of the aircraft on which he is required by his engagement to leave unless either:
- (a) There is in force a deportation order against him; or
 - (b) he has at any time been refused leave to enter the United Kingdom and has not since been given leave to enter or remain in the United Kingdom; or
 - (c) a Border Force Officer requires him to submit to examination.
- 2.1.3 An aircrew member who lawfully enters the United Kingdom without leave by virtue of the foregoing provision, should seek the permission of the Border Force Officer if he wishes to stay longer than seven days.
- 2.2 **Passengers**
- 2.2.1 For immigration purposes the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland collectively form a common travel area. A person arriving in the United Kingdom direct from, or departing from the United Kingdom direct to, a place outside the common travel area, is liable to be examined by a Border Force Officer and must produce to him (if required to do so) a valid passport or some other acceptable document satisfactorily establishing identity and nationality or citizenship, endorsed when necessary with a current United Kingdom visa or entry clearance. He must furnish the Border Force Officer with such information as may be required for the purpose of deciding whether he requires leave to enter and, if so, whether and on what terms leave should be given. Information on visa or entry clearance requirements may be obtained from a British Government representative overseas, the Home Office, UKBA or the local Border Force Office.
- 2.2.2 For the purposes of these requirements the term European Economic Area (EEA) is used to refer to the group of countries listed at GEN 1.2.1.2 paragraph 1 but also includes Iceland, Norway and Liechtenstein.
- 2.2.3 **Powers and Obligations of Captains and Owners or Agents of Aircraft Under the Immigration Act 1971**
- (a) Except with the prior approval of the Secretary of State, to embark and disembark passengers only at an airport designated as a port of entry in the GEN 1.2.1.1 Appendix C unless there is reasonable cause to believe all of them to be British citizens;
 - (b) to ensure that persons who have arrived in the United Kingdom do not disembark until examined by a Border Force Officer or other than in accordance with arrangements approved by a Border Force Officer;
 - (c) to ensure that passengers are presented for examination in an orderly manner;
 - (d) to provide a list of crew and passengers if required to do so;
 - (e) to provide landing cards for all passengers who are not British citizens or other nationals of Member States of the EEA;
 - (f) to remove or make arrangements for the removal from the United Kingdom of a passenger arriving in the United Kingdom who is refused leave to enter;
 - (g) to detain in custody persons placed on board an aircraft under the authority of a Border Force Officer;
 - (h) to pay the Secretary of State on demand any expenses incurred by the latter in respect of the custody, accommodation or maintenance of a person at any time after his arrival while he was detained or liable to be detained under the authority of a Border Force Officer unless on arrival that person held a certificate of entitlement, an entry clearance or work permit, or was subsequently given leave to enter before removal directions had been carried out;
 - (i) to remove a person against whom a deportation order is in force, if so directed by the Secretary of State.
- 2.3 Immigration (Carriers' Liability) Act 1987
- 2.3.1 Under the Immigration (Carriers' Liability) Act a charge will be levied on carriers who bring to the United Kingdom passengers without proper documentation. The charge will be £2000 for each passenger. The charge will be enforceable by civil action and would arise where a person requiring leave to enter (ie not a British Citizen or other national of the EEA) arrives at the Immigration Control without:
- (a) A valid passport or document satisfactorily establishing identity and nationality or citizenship; and
 - (b) a valid visa where one is required under the Immigration Rules.
- 2.3.2 Information on visas and documentation can be obtained from British Consulates abroad or from Border Force offices in the United Kingdom; the principal air travel information-systems also carry up-dated information on visas.
- 2.4 **Landing Cards**
- 2.4.1 In addition to the general requirements described in paragraph 2 passengers who are not British citizens or other nationals of the EEA will normally be required to produce completed landing cards to the Border Force Officer.
- 3 **PUBLIC HEALTH**
- 3.1 **Public Health Requirements**

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- 3.1.1 The Public Health (Aircraft) Regulations 1979 (England and Wales) give authorised officers and medical officers at airports a number of powers to control the spread of infectious disease, both on arrival and departure. In Scotland and Northern Ireland, broadly similar provision is made in the Public Health (Aircraft) (Scotland) Regulations 1971 (as amended in 1974 and 1978) and the Public Health (Prevention of Infections and Epidemic Diseases - Aircraft) Regulations 1971 (Northern Ireland).
- 3.1.2 These include powers to inspect aircraft; to de-rat or disinfect the aircraft if necessary; and under certain conditions detain the aircraft on arrival. (Regulations 7, 13, 14 and 16).
- 3.1.3 Medical officers, under certain conditions, have a number of powers to examine passengers on arrival, to order their isolation, to prohibit their leaving the aircraft, to require a passenger leaving an aircraft to state in writing his name and intended destination address; to cause the removal of an infected passenger from an aircraft; to place passengers under surveillance; or apply a number of additional health protection measures. (Regulations 8, 9, 18, 20, 21 and 23).
- 3.1.4 In addition, the Regulations impose a number of duties on the commanders of aircraft in terms of notifying cases of infectious disease on board their aircraft prior to landing, as well as supplying information as to the health conditions on board the aircraft once the aircraft has landed (Regulations 11 and 12).
- 3.1.5 The regulations also give medical officers a number of powers to examine passengers proposing to embark on an aircraft, to prohibit their embarkation if necessary, and under certain conditions to apply any other public health measures required by the Secretary of State for Health (Regulations 27 and 28).

4 FLYING LICENCES AND RATINGS**4.1 Definitions**

- 4.1.1 A Part-FCL pilot licence means a licence granted in accordance with Commission Regulation (EU) No 1178/2011 (as amended), the 'Aircrew Regulation', by a Member State of the European Union (EU) or by a State which has a formal agreement with the EU to act in accordance with the Aircrew Regulation. Currently these are Iceland, Liechtenstein, Norway and Switzerland. These four countries, together with the EU Member States, are hereafter referred to as the 'EASA States'.

- 4.1.2 'EASA aircraft' means an aircraft that is subject to European rules under Regulation (EC) No. 216/2008, the 'Basic EASA Regulation'. The majority of aircraft registered in the United Kingdom are 'EASA' aircraft. A United Kingdom registered 'EASA aircraft' will have an EASA Certificate of Airworthiness or Permit to Fly granted by the CAA.

- 4.1.3 'Non-EASA aircraft' means an aircraft that is not subject to European rules under Regulation (EC) No. 216/2008, the 'Basic EASA Regulation'. They are aircraft that fall within the categories set out in that Regulation at Annex II or are 'State' aircraft. A United Kingdom civil registered 'non-EASA aircraft' will have a United Kingdom national Certificate of Airworthiness or Permit to Fly granted by the CAA.

4.2 Visiting Pilots holding Part-FCL licences and flying UK registered aircraft

- 4.2.1 The privileges of a Part-FCL licence issued by any EASA State are valid for EASA aircraft registered in the United Kingdom. The Air Navigation Order 2016 (the 'ANO') Article 150 also renders any Part-FCL licence valid for UK-registered non-EASA aircraft that are within the aircraft privileges of the Part-FCL licence and the ratings included in the licence. Unless the CAA directs otherwise, the holder of a Part-FCL pilot licence may exercise all of the privileges of that licence in United Kingdom registered aircraft.

4.3 Visiting Pilots holding licences other than Part-FCL licences and flying UK registered aircraft

- 4.3.1 Unless the CAA directs otherwise, the holder of a valid pilot's licence, granted under the law of a Contracting State to the ICAO Convention or a relevant Overseas Territory, may exercise the privileges of a private pilot licence in any United Kingdom registered aircraft (EASA or non-EASA) subject to the restrictions of the ratings held on the licence which are valid. This does not apply to student pilot licences and is subject to the following conditions:

- (a) the licence has been issued in accordance with the relevant international standards as set out in Annex 1 (Personnel Licensing) to the ICAO Convention; and
- (b) the licence does not include any extraordinary operational or medical conditions, restrictions or limitations; and
- (c) no flights are made for the purpose of public transport, commercial air transport, or aerial work and the pilot does not receive remuneration; and
- (d) the holder of the licence does not act as pilot of any aircraft flying in controlled airspace in circumstances requiring compliance with the Instrument Flight Rules and does not give instruction in flying.

- 4.3.2 Flights for other purposes in EASA aircraft - The holder of a valid pilot's licence, excluding student pilot's licences, that is granted under the law of an ICAO Contracting State or a relevant Overseas Territory, may exercise the privileges of that licence in United Kingdom registered 'EASA aircraft' for purposes other than those described in paragraph 4.3.1, **only if** the individual holds a validation issued in accordance with the Aircrew Regulation, Annex III by the UK or by another EASA State.

- 4.3.3 Flights for other purposes in non-EASA aircraft - The holder of a valid pilot's licence, excluding student pilot's licences, that is granted under the law of an ICAO Contracting State or a relevant Overseas Territory, may exercise the privileges of that licence in United Kingdom registered 'non-EASA aircraft' for purposes other than those described in paragraph 4.3.1, **only if** the individual holds a validation issued in accordance with the ANO, Article 169.

- 4.3.4 Except as may be provided for in Annex III of the Aircrew Regulation, there are no provisions for the validation of instructor or examiner privileges granted under the law of a Contracting State to the ICAO Convention or under the law of a relevant UK Overseas Territory. Any pilot who wishes to exercise instructor or examiner privileges in EASA aircraft to instruct or examine for Part-FCL qualifications must hold an appropriate Part-FCL instructor or examiner certificate. Instructor privileges may be

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accepted by the UK or another EASA State in accordance with, and subject to the restrictions of the Aircrew Regulation, Annex III, paragraph 6.

4.4 **Pilots of aircraft registered in States that are not 'EASA States' (third country registered aircraft) flying within the territory of the United Kingdom.**

4.4.1 Pilots wishing to fly aircraft registered in third countries must comply with the ANO Articles 148 and 151, as applicable. This requires the pilot to hold a valid pilot licence, granted or rendered valid under the law of the State of Registry of the aircraft, issued in accordance with the relevant international standards as set out in ICAO Convention Annex 1 (Personnel Licensing).

4.4.2 The Basic EASA Regulation applies to aircraft registered anywhere in the world if they are used by an 'operator established or residing in the Community'. The Basic EASA Regulation defines an operator as 'any legal or natural person, operating or proposing to operate one or more aircraft.....'.

4.4.3 The Basic EASA Regulation also requires pilots of EASA aircraft registered anywhere in the world that are used by operators based in any of the EASA States to hold either a valid Part-FCL pilot licence or a validation issued in accordance with Aircrew Regulation Annex III, except where there is an agreement between the EU and the third country of aircraft registry to the contrary.

4.4.4 Pilots of non-EASA (Annex II) aircraft registered in third countries and flying within the United Kingdom are unaffected by Regulation (EC) No 216/2008 and remain subject to the ANO Articles 148 and 151.

4.5 **Pilots holding licences other than Part-FCL licences that are not granted in accordance with the Standards of Annex 1 (Personnel Licensing) to the ICAO Convention**

4.5.1 Pilots whose licences are not ICAO-Annex 1 compliant or include extraordinary operational or medical conditions, restrictions or limitations, must contact the CAA for advice before flying aircraft either registered in the UK (wherever the aircraft is based), or registered elsewhere (if the aircraft is based in the UK).

4.6 **Contacting the United Kingdom CAA on licensing matters**

Post: Civil Aviation Authority, Shared Services Centre (Flight Crew Licensing), Aviation House, Gatwick Airport South, West Sussex, RH6 0YR.

Phone: +44 (0)1293-573700

Fax: +44 (0)1293-573996

Email: fclweb@caa.co.uk