



Home Office

Consultation on General Aviation: Advance information requirements for international flights

Government Response

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Contents

Contents.....	2
Introduction and contact details.....	3
Complaints or comments	3
Background.....	4
Summary of responses	5
Responses to consultation questions.....	6
Purpose of the regulations	6
Information required about flights and persons on board.....	6
Reporting notification period	7
Online submission of Advance Passenger Information (API).....	8
Commercial GA flights	8
Civil penalty regime.....	9
Submit a GAR (sGAR) Portal.....	10
The Authority to Carry Scheme.....	11
Reporting in exceptional circumstances.....	11
The twelve-hour notification period under paragraph 12 of Schedule 7 to the Terrorism Act 2000.....	12
Alternative approaches	12
The Common Travel Area (CTA)	13
Government response.....	14
Summary of next steps	14

Introduction and contact details

This document is the consultation response for the consultation **General Aviation: Advance information requirements for international flights**.

It covers:

- The background to the consultation
- A summary of the consultation responses
- The Government's proposals and next steps

If you require further copies of this report or require alternative format versions, these can be obtained by contacting GeneralAviationConsultation@homeoffice.gov.uk.

This report is also available at: [Advance information requirements for international General Aviation flights - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/advance-information-requirements-for-international-general-aviation-flights)

Complaints or comments

If you have any complaints or comments about the consultation process you should contact GeneralAviationConsultation@homeoffice.gov.uk.

Background

The safety and security of our citizens is the Government's top priority and we are committed to implementing resilient border security processes for all modes of international transport for counter-terrorism, policing and immigration purposes.

The ability to know who is travelling or intending to travel to (and from) the UK's border is a key part of our border security strategy. All carriers operating scheduled services to and from the UK are required to submit advance passenger information (API) in a manner that enables automated processing to identify individuals and travel documents. Through the processing of API, Border Force can quickly determine who does, who may and who does not pose a threat to the UK or to UK interests abroad and importantly, when necessary, prevent them from travelling.

General Aviation (GA) poses unique, significant challenges to border security and for law enforcement due to its unscheduled nature and the high number of locations across the UK that commercial and private flights can arrive into and depart from. Maintaining a permanent of Border Force and police presence at all these airfields and airstrips is impractical and disproportionate. This poses a significant challenge in securing complete physical coverage of the border and means that the processing of advance information about international flights and the persons on board is of great importance.

In order to fully assess the risk posed by individuals on board international GA flights, our border control authorities need to know who is intending to travel in advance of commencing their journey to or from the UK. The processing of API, submitted online and in advance, would allow Border Force and other law enforcement authorities to analyse and quantify the extent of the potential threat and level of risk. It would enhance automated checking and intelligence-led decision making to improve the effectiveness with which resources are deployed to meet flights.

As well as providing border security benefits, the requirement for online submission of information about international GA flights would support the Government's Universal Permission to Travel (UPT) Programme. UPT will require all individuals to have a valid permission before travelling to the UK. It will enable Border Force to determine who has the required permission to travel.

The public consultation '**General Aviation: Advance information requirements for international flights**' was published on 24 April. Views were invited from the GA sector and other interested parties on the Government's proposal to introduce regulations which would require information about international GA flights and persons on board to be submitted online, in advance of departure for immigration and policing purposes.

The consultation period ended on 16 June. This report summarises the responses to the consultation and sets out the Government's response and proposed next steps following the consultation.

Summary of responses

The Home Office received 199 responses to the public consultation: 184 were received using the online smart survey and 15 were received by email.

The consultation was targeted to GA trade bodies and associations as well as to other government departments and agencies. The majority of responses were submitted by individual leisure pilots, with around 10% from business and commercial GA operators. Responses were also received from Counter-Terrorism Border Policing, the National Crime Agency and the Department for Transport. All feedback was analysed for common themes of support and concerns raised about the proposed regulations.

Not all respondents answered every question. Some questions, like those about business GA, were only relevant to commercial GA operators.

During the consultation period the Home Office hosted online familiarisation sessions demonstrating the Government's free-to-use portal 'submit a General Aviation Report' (sGAR). This was an opportunity for pilots and operators of international GA flights to learn about the sGAR webservice as well to express views on aspects of the proposal. In total of 27 individuals joined those sessions. This included individual pilots and owners and representatives of commercial GA operators based both in the UK and overseas.

Responses to consultation questions

Purpose of the regulations

Respondents were asked if they considered the proposed regulations to be necessary and proportionate for border security and law enforcement purposes.

In general, respondents agreed that it was necessary to require advance passenger information (API) for inbound international GA flights. Comments included:

“it is necessary for advance passenger information to be provided for all flights in and out of the UK for national security and crime prevention and detection”.

A small number felt that requiring API for outbound journeys was not strictly necessary. For example:

“it will not add to the ability to control borders. It will simply impose unnecessary administrative and cost burdens on GA operators with no discernible benefit”.

Some questioned the need for additional regulations as they considered the current customs requirement for a General Aviation Report (GAR) to be submitted 2 hours prior to departure was adequate. Some also made the point that additional legislation will not mean those undertaking illegal activity will comply with the API requirements.

Government response

For border security and law enforcement purposes it is necessary for the Home Office to know who is intending to arrive in *and* who is intending to depart from the UK. The requirement to provide outbound API also enables the Home Office to ensure individuals are complying with the terms of their entry conditions.

The existing Commissioners' Directions (CDs), made under sections 35 and 64 of HMRC's Customs and Excise Management Act 1979 do require information about international GA flights and the persons on board. However, the CDs do not specify online submission of API. Online submission enables automated checking and intelligence-led analysis and improves the effectiveness of which resources are deployed to meet GA flights.

Information required about flights and persons on board

Respondents were asked about the information that would be required in respect of flights and persons on board.

Most respondents commented the information is similar to what is already included in GAR and there would be no impact.

Concerns were raised over the duplication of data requirements with flight plans and the consideration given to introducing a single requirement encompassing the flight plan and API.

Some respondents noted not all airfield locations have an ICAO code and alternative options other than LAT/ LONG should be made available, given the scope for error with latitude and longitude and the consequences of such errors.

Government response

Whilst a flight plan includes information about the flight, it does not include – and does not need include – the API fields relating to persons on board. As such reliance upon the flight plan would be insufficient for border security and law enforcement purposes and adding details of all persons onboard to the flight plan is unnecessary for flight planning purposes.

The Government is committed to making reporting as straightforward as possible. We are considering the feasibility of using additional applications such as 'What Three Words' to assist with identifying locations where there is no ICAO code.

Reporting notification period

Respondents were asked for their views on the proposed requirement that API be submitted no earlier than 24 hours and no later than 2 hours before departure.

Whilst a number of respondents felt the timing requirements were reasonable, there were some concerns that the proposed timings would not allow for last minute changes. Some respondents asked for more flexible timing requirements enabling API to be submitted within 2 hours of departure and more than 24 hours before departure.

Law enforcement agencies also noted concerns about their ability, when necessary, to reach remote GA locations within 2 hours of GA flights departing from the UK.

Government response

Within the timing requirements there is a need to balance the operational constraints of Border Force and other law enforcement agencies with flexibility for GA pilots, owners and operators. In order to fully assess each international GA flight and when necessary deploy to meet it, a minimum of 2 hours is required. Therefore, the timing requirement cannot be less than 2 hours.

However, after noting the suggestions that API be submitted earlier than 24 hours, the Government is content to extend the timing requirement to a maximum of 48 hours prior to departure. This would also give law enforcement agencies additional time to analyse the API received.

Online submission of Advance Passenger Information (API)

Respondents were asked about submitting API online using portals or applications and if there would be any practical implications of doing so.

The majority felt that applications and portals were a sensible method for submitting API, providing the systems were robust and could ingest high volumes of submissions. One respondent said:

“It is a good idea, nearly everyone already uses online portals such as onlinegar”.

In the event of a technical issue, respondents mentioned the requirement to have a fallback method such as telephone or email.

Concerns were also raised about submitting API online from remote GA airfields without reliable internet connectivity or where the pilot was unable to access mobile data.

Government response

There is an existing manual reporting process for submission in the event of technical failure. Details can be found on: [General Aviation Report \(GAR\) Guidance – April 2023¹](#). The Government is in the process of reviewing this and will publish updated guidance in due course.

As API can be submitted in advance of departure, should pilots be concerned about a lack of internet access at remote airfields they should submit the information in advance when they do have internet access.

Commercial GA flights

Operators of commercial GA flights were asked about the impacts the proposed regulations would have to their business operations, and about the practicality of complying with a requirement to provide Passenger Name Record (PNR) data.

Impacts to business operations

Operators expressed concern over liability where a third party had submitted the data on behalf of the pilot. They felt receiving an acknowledgement receipt following the submission is crucial in order to provide evidence of the operator’s submission.

Operators were also concerned that the requirement to submit the data ‘no earlier than 24 hours’ would have a negative impact on staff resources.

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1151707/GO_V.UK_GAR-Instructions-April_2023_V1.0_SDS.pdf

Passenger Name Record (PNR) Data

Most respondents were private pilots who did not answer this question. Those commercial operators who did respond were unclear of the implications of such a requirement.

Government response

In relation to concerns over liability for information submitted by a third party. Where a breach of the regulations occurs, the liability would be placed upon the 'responsible person'. In accordance with Paragraph 27BA (5) of Schedule 2 to the Immigration Act 1971, the responsible person is the owner or agent or captain.

At this stage the Government is not intending to place a requirement on commercial operators of international GA flights to provide PNR data. This may be subject to change in the future. Should this position change, the Government would engage with commercial GA operators to understand the implications for their operations.

Civil penalty regime

Respondents were asked if a civil penalty regime would provide an effective incentive to comply with the reporting requirement.

Some respondents felt a civil penalty regime would be an incentive for law-abiding pilots to comply with the proposed reporting requirements. However, it was widely felt by law enforcement agencies that the proposed civil penalty of up to £10,000 per flight would be an insufficient deterrent to those who are involved in illicit activity.

Concerns were expressed over genuine mistakes. One respondent commented:

"The vast majority of GA pilots comply with the rules and regulations. There may be the odd occasion when mistakes or omissions are made but not with intentional dishonesty".

There were also several comments making the case for robust guidance to ensure penalties were proportionate.

Government response

In order to alleviate the concerns raised, a proportionate, civil penalty regime would be required. Clear guidance on its operation would be published which accounted for genuine mistakes as well as a robust assurance process to ensure consistency across all Border Force regions. The approach taken would be one of collaboration. In the event of a breach of the regulations, we would work with the responsible person to identify failings in order to encourage compliance and improvement.

In relation to concerns over the penalty being an insufficient deterrent, the Government is committed to keeping the maximum penalty amount under review. Should it be necessary to increase the amount to achieve greater compliance, provided there was a sufficient evidence base, the Government would be open to raising it.

Alternatively, in instances where there is a failure to provide details of a person on board this would constitute a breach of the Authority to Carry Scheme 2023 which carries a penalty of up to £50,000.

Submit a GAR (sGAR) Portal

Respondents were asked to give their views on the Government's sGAR portal.

A large number of respondents stated they had not used sGAR due to already using existing third-party applications connected to Home Office systems.

Of those who have used sGAR, feedback was generally good, with the service being referred to as "*an excellent service*" and one which met their needs.

There was some criticism that sGAR was not user-friendly, for example, because it requires users to acquire a short validity log-in token. A number of respondents reported issues with Border Force being unable to locate GARs that had been submitted using the system.

There were further suggestions on how the system could be improved. It was said the sGAR log in process should be adapted to enable easier log-in; users should be able to amend the information submitted (instead of cancelling and resubmitting), and the receipt confirmation must be clear which flight it relates to.

Government response

All Government systems hosted on gov.uk are required to pass an extensive assessment process and adhere to design principles in order to be Government Digital Systems compliant. This process ensures that Government systems are fully accessible and efficient.

The issues around GAR submissions have been noted and a review of internal operational processes is taking place. This will ensure all GARs submitted using sGAR are identified and actioned by the relevant Border Force region.

Having reviewed and considered sGAR users' experiences, the Government has committed to making the following enhancements to the sGAR system:

- Enabling users to log-in either using the existing token or, creating a character password.
- Adding a function to give pilots, owners and operators the ability to amend existing GARs for upcoming flights.
- Including flight details in GAR receipts making it easier to distinguish between GARs.

The Authority to Carry Scheme

Respondents were asked for their views on the implications of operating the Authority to Carry (ATC) Scheme 2023² in respect of international GA flights.

Some respondents agreed the ATC Scheme was a good border security measure in order to prevent certain individuals from travelling to or from the UK. One respondent said:

“If the Authority to Carry Scheme assists with the overall border security strategy, I am fully supportive”.

There were concerns over how and when communications of refusals of authority to carry would be made and received by the responsible person. They felt an email or a telephone call should be used to communicate ATC refusal notifications as some airfields have no internet connection, impacting a refusal being received.

Government response

The Authority to Carry Scheme 2023 applies to international GA flights and where API is available GA operators have been refused authority to carry individuals to the UK when necessary. In the event an individual in scope of the Scheme is identified a phone call is made and an email is sent to the responsible person informing them that the individual should not be carried to (or from) the UK. The Authority to Carry Scheme 2023 also applies where the responsible person has not sought authority to carry all passengers and crew on board the flight to (or from) the UK. In both circumstances, under the Authority to Carry Scheme (Civil Penalties) Regulations 2015 the responsible person *may* be liable to a civil penalty of up to £50,000.

Reporting in exceptional circumstances

Respondents were asked how the reporting requirement should operate in exceptional circumstances. Suggestions ranged from a 24/7 telephone line or text service/email address to report changes to GARs, through to making changes to the sGAR or equivalent apps to allow pilots to report changes in circumstances.

Government response

As noted above, there is an existing process for reporting in exceptional circumstances. However, the Government is reviewing this guidance and will publish an updated process in due course.

² www.gov.uk/government/publications/authority-to-carry-scheme-2023

The twelve-hour notification period under paragraph 12 of Schedule 7 to the Terrorism Act 2000

Respondents were asked for views on the impact of the twelve-hour notification period under paragraph 12 of Schedule 7 to the Terrorism Act 2000 ('TACT').

Whilst there was a general consensus that the TACT notification requirement for international GA flights within the Common Travel Area, and for domestic flights between Great Britain and Northern Ireland and providing advance notification to authorities is a sensible requirement to have in place. The majority of respondents suggested that the timing requirement should be reviewed before any new regulations are implemented with a view to aligning the timing requirements.

Some respondents noted the 12-hour TACT notification drives perverse flying behaviours, such as pilots flying to the UK from the Channel Islands via France to avoid the TACT notification prior to departure.

A number of concerns were raised around the risks the timing of the TACT notification requirement posed to flight safety. Due to weather patterns quickly changing, the final 'go/no-go' decision is made closer to departure. Some respondents felt that attempting to comply with the TACT notification in bad weather could lead to flying in dangerous conditions.

Government response

The Government is committed to amending the requirement in paragraph 12 of Schedule 7 to the Terrorism Act 2000 and will provide further updates on this in due course.

Alternative approaches

Respondents were asked for their views on alternative approaches to securing the border and managing vulnerabilities relating to international GA flights. Suggestions included:

- Requiring all aircraft making international flights to carry a correctly configured and transmitting transponder.
- Categorising all flights by aircraft weight. For example, a microlight is unable to transport significant weight (drugs or people) but larger aircraft have more capability and should require closer attention from the authorities.

Government response

The Government welcomes the alternative solutions put forward by respondents. These are suggestions that will be considered and shared with DfT and may assist in developing our intelligence picture of international GA.

The Common Travel Area (CTA)

Respondents were asked for their views on the impact of the proposed regulations on the operation of the CTA.

Some responses were positive with respondents agreeing that the proposed regulations' application to the CTA would help to simplify the reporting process. One Operator commented:

“we don't think the regulations will affect the already low number of movements we handle.”

Concerns about the TACT notification requirement were raised in the context of international GA flights within the CTA, leading to the suggestion:

“to harmonize the requirements, which will in itself improve compliance rates”.

Law enforcement agencies were content that the regulations should apply within the CTA for all GA flights.

Government response

The Government welcomes views that the application of the proposed regulations would have no major impact on pilots, owners and operators when making international flights within the CTA flights.

Government response

The Government is grateful for the feedback and suggestions received from all respondents on the consultation. The valuable contribution GA makes to the aviation sector and the wider UK economy has been noted.

Whilst we endeavour to keep the regulatory burden on the GA sector to a minimum, this must be sufficiently balanced with border security and law enforcement needs. It is of paramount importance that API is received in a manner that enables automatic border checks to take place and for pre-departure action to be taken.

The Government proposes to introduce regulations requiring information about international GA flights and persons on board and for that information to be provided online and in advance of departure for all international flights to and from the UK (including within the CTA). Reflecting feedback from consultation respondents the Government proposes the information be submitted no earlier than 48 hours and no later than 2 hours prior to departure to or from the UK.

The regulations will be underpinned by a civil penalty regime where a maximum penalty of up to £10,000 may be issued for non-compliance.

Summary of next steps

In response to the consultation the Government is committed to:

1. Making technical enhancements to the sGAR portal to improve user experience.
2. Developing a robust civil penalty process and publishing clear guidance on its operation for leisure pilots, GA owners and GA operators.
3. Establishing and publishing a clear process for reporting delayed GA flights or those having to report in exceptional circumstances.