



Isle of Man
Government

Reilrys Ellan Vannin



DEPARTMENT OF HOME AFFAIRS

Consultation, in principle, on the introduction of
greater identification verification measures
at harbours

23rd December 2015

CONTENTS

Consultation summary	2
1. Statement by the Minister for Home Affairs.....	2
2. Introduction	3
3. Overview of the intended identity check processes	3
4. Acceptable forms of identification.....	4
5. Identity checking procedures undertaken elsewhere	5
6. Legal Basis.....	6
7. Impact on visitors and residents of the proposed measures.....	6
8. Impact upon Businesses and Government of the proposed measures.....	7
9. Consultation questions	8
10. Feedback to the Consultation.....	9
APPENDIX A	11
Consultation Criteria – The Six Consultation Criteria	11
APPENDIX B	12
List of persons or bodies consulted	12

CONSULTATION SUMMARY

1. Statement by the Minister for Home Affairs

The Chief Constable's Annual Report 2014 – 2015 [*GD 2015/0041*] highlighted the weakness of identity verification measures in respect of persons arriving on, and departing from, the Island by sea. I share the Chief Constable's concern that, unless there is provision to verify the identity of such persons, we may be leaving the Island and its residents vulnerable to crime relating to the movement of drugs, illicit finance and other activity of a criminal nature.

The lack of effective measures to verify the identity of persons travelling by sea also reduces the effectiveness of legislation that provides for criminals to be barred from the Island or banned from travelling abroad by the UK Government.

I very much recognise that the possibility of introducing identity checks at harbours is a contentious matter and that it is essential to ensure we balance the need for Border Identity checks with any inconvenience to the travelling public and cost to the providers of our ferry service.

However, I firmly believe given the increasingly dangerous World in which we live and the resultant risks and the concerns of the Chief Constable regarding drugs, financial crime, and the export of stolen goods that we need to at least consider and debate whether ID checks should be put in place to protect our Island and its people.

I therefore wish to ascertain what the Public's view is on this important matter in order that a decision can be made on whether to leave the absence of Border Identity Checks as it is or consider what would make the Island safer with the least impact on the public.

This document has been prepared in partnership with the Department of Infrastructure and is intended to outline how Border Identity Checks at harbours could, if agreed, be improved in order to make the Island a safer place to live, work and travel to.

The purpose of this consultation is to canvass the views or opinions of residents and businesses. Subsequent action by the Isle of Man Government is dependent on the outcome of this consultation.

If you have any views on the proposals outlined within those documents, you are invited to send them to me, via the Department's Legislation and Policy Officer, at the Department of Home Affairs Headquarters, Tromode Road, Douglas, by **12th February 2016**.

Hon. Juan Watterson BA(Hons) FCA MHK
Minister for Home Affairs
23rd December 2015

Department of Home Affairs

Consultation, in principle, on the introduction of greater identification verification measures at harbours

2. Introduction

- 2.1. There are very few checks in place for persons entering and leaving the island. Residents and visitors will be familiar with some airline identity checks at either check-in or at the departure gate just prior to embarking on a commercial airline. However, for those travelling via harbours there are no formal identity checks consistently undertaken at any point.
- 2.2. Consequently persons have been known, or suspected, to have travelled under a false name via harbours in order to avoid detection with regard to the –
 - a. transportation of drugs onto the Island;
 - b. carrying of cash, typically linked to drugs, off-Island;
 - c. movement of a person banned from the Island;
 - d. removing stolen goods from the Island (2015 burglaries) and
 - e. avoidance of UK football banning orders (i.e. those imposed on football hooligans under the Football Spectators Act 1989 (of Parliament)).
- 2.3. By introducing measures to verify the name a person is travelling under the Department considers offences such as the above, are more likely, to be deterred, prevented, or detected.
- 2.4. While such measures would be beneficial to the safety of the Island's residents and visitors it has been recognised these measures represent a change in current practice with regard to travel to and from the Island by sea for residents and visitors alike.

3. Overview of the intended identity check processes

- 3.1. It is considered that identity checks, principally at Douglas Harbour, on departure for commercial passengers should – be carried out as follows –

1. Foot passengers

As a normal part of the check-in procedure Isle of Man Steam Packet staff would require the passenger to produce an acceptable document that is sufficient to confirm the person presenting for travel matches that on the booking information.

On proceeding to board the vessel, Isle of Man Steam Packet staff would check the passenger information on the boarding pass matches that on the document provided to verify identity.

2. Motorcycle and small/family vehicles

As a normal part of the check-in procedure Isle of Man Steam Packet staff would require the drivers and passengers to each produce an acceptable document that is sufficient to confirm each person presenting for travel matches that on the booking information. (Motorcycle drivers and passengers would need to remove their helmets for the check-in agent to verify the person against the identify document. Passengers within a vehicle may need to step outside the vehicle).

Department of Home Affairs

Consultation, in principle, on the introduction of greater identification verification measures at harbours

3. Coaches and minibuses

As a normal part of the check-in procedure Isle of Man Steam Packet staff would require the drivers and passengers to each produce an acceptable document that is sufficient to confirm each person presenting for travel matches that on the booking information. (Check-in staff would need to be able to embark the coach and check each person to their identify documents. Minibus drivers and passengers may need to disembark their vehicle in order to allow the check-in staff the ability to check each person's identity document)

4. Large vehicles/HGVs

As a normal part of the check-in procedure Isle of Man Steam Packet staff would require the drivers and passengers to each produce an acceptable document that is sufficient to confirm each person presenting for travel matches that on the booking information.

5. Cruise ships

For cruise ship passengers visiting the Island it is considered the cruise ship passenger ticket/pass is an acceptable ID document, and this would be checked by staff prior to allowing the passenger to arrive on, or depart from, the Island. Consideration would need to be given to who would carry out such checks, because currently no staff, from any Department, are assigned to such duties. Furthermore, consideration would need to be given as to whether or not Cruise Ships would be required to provide a list of passengers entering the Island and to check this against those leaving or an alternative system devised. In addition if the Isle of Man became a starting or finishing point for cruises there would need to be check-in staff and therefore consideration given to how this would be accommodated.

6. Private vessels

For passengers on private vessels it would be the responsibility of the person in charge of the vessel to ensure the identity of crew or passengers is verified and inform the harbourmaster (or DoI), upon arrival from another jurisdiction or departure to another jurisdiction. There are no requirements on leisure and fishing vessels for notification of crews or passengers. As a result a new procedure would need to be put in place, to cater for these checks.

Consideration would need to be given to whether and at what age identification would be required for person under the age of 18.

(The above checks in 1-4 would also be made at Heysham, Liverpool, Birkenhead, Dublin and Belfast, by Isle of Man Steam Packet or their harbour agent).

4. Acceptable forms of identification

- 4.1. Documents suitable for the purposes of verifying the identity of the person travelling would be –

Department of Home Affairs

Consultation, in principle, on the introduction of greater identification verification measures at harbours

- a. Valid passport - an expired passport can be used up to a maximum of two years after expiry (and a child on a parent's passport is an acceptable form of ID if it is decided ID is required for children);
 - b. Valid photographic EU or Swiss national identity card;
 - c. Valid photographic driving licence (full or provisional);
 - d. Valid armed forces identity card;
 - e. Valid police warrant card/badge;
 - f. Valid airport employees security identity pass;
 - g. Valid Isle of Man Proof of Age Card;
 - h. Valid Government issued identity card;
 - i. Valid photographic firearm certificate;
 - j. Valid bus pass issued by IoM Government or a UK council;
 - k. CitizenCard (A UK photo ID and proof of age card);
 - l. SMART card;
 - m. Electoral identity card; and
 - n. Disabled badge.
- 4.2. The above list is based upon the list of acceptable identity documents for flights with EasyJet or Flybe, with the explicit addition of the Isle of Man Government Proof of Age Card.
- 4.3. Given the variety of acceptable documents for the purposes of verifying identity, some of which are available relatively cheaply and easily (e.g. the Isle of Man Proof of Age card costs £10 and is obtained with a birth certificate and certified photograph), it is not anticipated the requirement to verify identity would have any different implications for passengers wishing to travel by sea as apply to those currently wishing to travel by air (where identity checks are applicable).

5. Identity checking procedures undertaken elsewhere

- 5.1. It is commonly understood that commercial international air travel, requires passengers to produce some form of identification document prior to departure. It is, however, recognised that although Flybe also requires such checks on boarding the aircraft for UK domestic flights, British Airways do not require such checks on UK internal flights (including the IOM and Northern Ireland) and Easy Jet do not if a passenger has no hold luggage.
- 5.2. Currently there are no requirements for ferry passengers and drivers to show identification on UK domestic ferry services, including ferry services between the UK and the Channel Islands. British or Irish citizens travelling on ferry services, do not need a passport nor have any identification checks to travel to Britain or Ireland.

Department of Home Affairs

Consultation, in principle, on the introduction of greater identification verification measures at harbours

6. Legal Basis

- 6.1. The Harbours Act 2010 provides powers for the Department of Infrastructure to make rules with regard to the operation of the Island's harbours, and the conditions applicable for vessels on entry to or departure from the Island's harbours. Similar legislation in the neighbouring jurisdictions would seem to allow for the introduction of these proposed measures, however, the extent of the vires and the appropriateness of using such powers would need to be examined. A further examination of existing powers elsewhere would also need to be considered to ascertain if additional primary powers would be required to deliver ID checks at harbours.
- 6.2. The free movement of persons is not affected by the measure as it is merely a requirement to verify the identity of the person wishing to travel and would be consistent with existing requirements in relation to travel by air (where applicable).

7. Impact on visitors and residents of the proposed measures

- 7.1. There is a view that requiring the production of identity documents to travel to the Island would discourage people from travelling to the Island for business or pleasure.
- 7.2. Such an assumption would have to apply only to persons living within the Common Travel Area (CTA) of the UK, Republic of Ireland, Channel Islands and the Isle of Man because it is highly likely that persons travelling to the Island from outside the CTA would already be carrying some form of photographic identification as a consequence of needing such identification to enter the Common Travel Area.
- 7.3. As to whether the requirement to produce identity documents would be onerous for CTA residents, it must be noted many of these residents already hold one or more documents that would be considered sufficient to verify identity.
- 7.4. Data from the UK Office of National Statistics¹ suggests that 83% of the population in England and Wales hold a passport, while the 2014 National Travel Survey² shows that 80% of English adult males and 67% of English adult females hold a driving licence. It is anticipated that these figures would be comparable, if not higher, on the Island and further afield.
- 7.5. Accordingly, along with the fact that 14 different forms of ID document would be acceptable, it suggested access to an appropriate identity document does not present a barrier to travel.
- 7.6. Any remaining concerns about the requirement to produce an identity document could be further reduced if the person in question was made aware of this requirement (e.g. at the time of making the booking).

¹ [Detailed country of birth and nationality analysis from the 2011 Census of England and Wales, May 2013, Office for National Statistics.](#)

² [National Travel Survey: England 2014, September 2015, Department for Transport.](#)

Department of Home Affairs

Consultation, in principle, on the introduction of greater identification verification measures at harbours

- 7.7. The impact of checks on the operation of the Ferry operator and on check in times, space required to separate check and unchecked vehicles etc are considered in 8 below.
- 7.8. Given the above it is the Department's view such measures would not act as a deterrent to persons visiting or leaving the Island for legitimate purposes and thus should not cause any, or any significant, reduction in passenger numbers.

8. Impact upon Businesses and Government of the proposed measures

- 8.1. Some may consider that requiring the production of identity documents at harbours would negatively impact upon the Island's businesses.
- 8.2. Whilst it is possible some persons are involved in business travel only by sea, it is considered the majority of travellers will be used to producing evidence of identity in order to travel by air. Furthermore, as noted in paragraph 7, it is considered unlikely such a requirement would cause a significant, if any, reduction in passenger numbers provided the impact did not affect the number of possible sailings. If sailings were not reduced ID checks would not have any detrimental impact upon businesses operating within the Island.
- 8.3. However, the introduction of such measures would be relevant to businesses involved with commercial passenger transportation between jurisdictions, i.e. the Isle of Man Steam Packet Company.
- 8.4. The proposed measures, as discussed in paragraph 3.1 would require some changes in present operating procedures by Isle of Man Steam Packet Company staff and potentially employ more staff to conduct any identity checks.
- 8.5. For those operating the check-in procedures for foot passengers, there would be a requirement to check identity documents as outlined earlier in this document. This would require a small amount of time for each passenger alongside a likely training requirement.
- 8.6. Consideration will need to be given to the following from a Ferry Operator and harbour control perspective –
 - a. The impact on the time it takes to check all identities;
 - b. The available vehicle space requirement in the harbours (Douglas, Heysham, Liverpool, Birkenhead, Dublin and Belfast) for keeping checked vehicles (i.e. checked drivers and passengers) clear from unchecked;
 - c. The knock-on of this is that there may be a requirement for additional facilities, e.g. toilets, keeping the checked-in passengers segregated.
 - d. The potential impact of turn round times on the number of sailings, dependant on the number and available check-in staff would this mean that the vessel may not be able to make 2 return sailings per day.

Department of Home Affairs

Consultation, in principle, on the introduction of greater identification verification measures at harbours

- 8.7. Such changes will require longer periods of time to be allowed for check-in, whilst the person undertaking the check in looks at the document produced to verify identity along with the ticket.
- 8.8. For those staff operating the check-in procedures for vehicle drivers and passengers there would be more time and work required for the visual inspection of passengers against identification documents at the time of check-in. While this would add to the check-in process, it is suggested such delays could be reduced through improved procedures (e.g. by conducting such identity checks at the time of the vehicle's arrival and not at the time of boarding). Allowing for these changes to procedures, these proposed measures would need to be discussed in detail to ensure they did not introduce significant costs.
- 8.9. The ID Checks are not anticipated to significantly reduce the number of people travelling to the Island, it is anticipated the proposed measures will not impose any significant extra costs upon Government although the marshalling area and facilities in all the Harbours including those in the UK and Ireland may need to be altered and improved to cater for the changes. Consideration will also need to be given to the ferry operator costs in undertaking checks.

9. Consultation questions

- 9.1. The Department would like to highlight that this is a consultation exercise and the Department encourages feedback on whether or not such measures to verify the identity of foot and vehicle passengers should be introduced and, if they should, are the measures outlined in this document proportionate and appropriate.
- 9.2. In addition to any views you may have on the consultation in general, the Department would be grateful for your views on the following questions.
 - a. In Section 2 the consultation paper highlights that people may be travelling to the Island under a false name in order to evade detection for criminal offences. Do you agree that Border Identity Checks should be introduced at the Island's harbours and at the departure harbours in the UK and Ireland for the purposes of protecting the residents of the Island from the increasingly dangerous world in which we live and to protect against the resultant risks, detecting and confiscation of illegal drugs, reducing financial crime, preventing banned persons entering the Island, and preventing the export of stolen goods?
 - b. In Section 3 the consultation paper gives a brief outline as to the possible measures that may be introduced. Do you agree these proposed measures are suitable and, if not, what would be your preferred alternative?
 - c. In Section 7, given the issues raised in this consultation paper, do you believe the introduction of these measures would either have or not have a significant negative impact on passenger numbers?

Department of Home Affairs

Consultation, in principle, on the introduction of greater identification verification measures at harbours

- d. In Section 8 the consultation paper states that the introduction of these measures is not likely to have a significant negative impact on the Island's businesses. Do you agree with this view, and if not, why?
 - e. What additional measures, if any, do you believe should be introduced to protect the Island and its residents from the dangers outlined in this consultation document?
 - f. Has this consultation document changed your mind if so how?
-

10. Feedback to the Consultation

If you have any views or observations regarding this consultation, or there is some point of clarification you would like to receive, you are invited to respond either by writing to —

Karl Cubbon, Legislation and Policy Officer
Chief Executive's Office
Department of Home Affairs Headquarters
Tromode Road
Douglas, IM2 5PA

or by e-mailing dhaconsultation@gov.im

The closing date for the receipt of comments is **12th February 2016**.

Unless specifically requested otherwise, any responses received may be published either in part or in their entirety, together with the name of the person or body which submitted the response. If you are responding on behalf of a group it would be helpful to make your position clear. To ensure that the process is open and honest responses can only be accepted if you provide your name with your response.

It may be useful, when giving your feedback, to make reference to the number and title of the specific paragraph in the consultation document that you wish to discuss.

The purpose of consultation is not to be a referendum but an information, views and evidence gathering exercise from which to take an informed decision on the proposed measures. In any consultation exercise the responses received do not guarantee changes will be made to what has been proposed.

Department of Home Affairs

Consultation, in principle, on the introduction of greater identification verification measures at harbours

APPENDIX A

Consultation Criteria – The Six Consultation Criteria

1. Consult widely throughout the process, allowing a minimum of 6 weeks for a minimum of one written consultation at least once during the development of the legislation or policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your Department's effectiveness at consultation.
6. Ensure your consultation follows best practice, including carrying out an Impact Assessment if appropriate.

APPENDIX B

List of persons or bodies consulted

- Members of Tynwald
- The Attorney General
- Chief Officers of Government Departments, Offices and Statutory Boards
- Social Affairs Policy Review Committee of Tynwald
- Local Authorities
- Chamber of Commerce
- Employers Federation
- Isle of Man Law Society
- Isle of Man Steam Packet Company
- TravelWatch – Isle of Man
- Positive Action Group
- Mec Vannin
- Liberal Vannin



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