

**Email from UKBA to RYA**

**Date: 11 August 2006**

I called your office earlier, and was advised that it would be best to contact you by e-mail.

The e-Borders programme is a major part of the Government's strategy to enhance the security of the United Kingdom's borders over the next 10 years and will require all Carriers (Aviation, Maritime & Rail) to provide passenger and crew data electronically to e-Borders for watchlist checking, passenger profiling and the generation of passenger movement records. The current expectation is that the e-Borders contract will be awarded in Summer 2007, with the early stages of rollout taking place in late 2007 or early 2008.

The requirements of the e-Borders programme view the operators of recreational craft undertaking international voyages as carriers, so there will be a requirement for the operators of these craft to report their movements to e-Borders. This will include voyages to and from other EU countries. It is unlikely that recreational craft will be included in the early phases

Our early thinking regarding recreational craft would be to set up a web-based system so that exit from and entry to the UK could be reported. We would be asking for travel document information (Name, Date of Birth, Nationality, and Passport Details) and for dates, times and destination/origins of voyages.

One of our key drivers is to achieve 100% compliance without enforcement. To this end, I would like to set up a meeting with you and your colleagues to discuss how we might enable the operators of recreational craft to comply with e-Borders requirements in a way that is practical, simple and cost effective.

I would be pleased to discuss this with you, and in particular would welcome your input on potential issues and on the practicalities of the introduction and operation of this scheme.

Thank you for your consideration in this matter.

**Email from RYA to UKBA**

**Date: 7 Sep 2006**

It was good to meet you and [REDACTED] today. Thanks for taking the time to travel down to us.

On reflection I think the communication aspects are going to be the initial priority and any 'formal' statements or additional information you can provide will be very useful. Although I cannot confirm what our response to the consultation will be I doubt that the RYA will oppose the proposals outright, although there may be some principles that we wish to safeguard.

With regard to future meetings, we discussed two possibilities being a meeting at the boatshow and an invitation for you and/ or [REDACTED] to attend the RYA Cruising Committee to give a brief overview of the proposals.

The Cruising Committee meet at 1130 on 20 September. If you are able to make the start of this meeting then we can go on to the show afterwards. Alternatively, I can meet from early afternoon onwards on either 15/18/19/ or 21 September. I will try to get [REDACTED] from the BMF to join us.

Can you please forward this e-mail to [REDACTED] so he has our contact details?

Kind regards

**Email from RYA to UKBA**

**Date: 11 April 2008**

Further to our meeting at our offices on 18 March 2008 in relation to the above, we agreed to revert to you on a number of issues, namely:-

1. To consider the most appropriate means of identifying vessels;
2. To give an indication as to the proportion of yachtsmen who do not have access to the internet;
3. To consider a possible trial of a mobile data capture device;
4. To produce draft Frequently Asked Questions for inclusion in the Autumn 2008 edition of the RYA magazine, for your comment;
5. To raise e-Borders as an item for the European Boating Association; and
6. To provide a definition of "passengers", as distinct from "crew".

Taking each of the above in turn:-

1. We believe that the most appropriate means of identifying vessels would be by reference to the vessel's national registration. The advantages of using the national registration system are that (1) unlike identification systems such as Hull Identification Numbers under the Recreational Craft Directive, registration is available to all yachts regardless of age, origin or nationality; (2) the vessel registration system in the UK is already in existence and is operated by the MCA (UK Ship Register) in Cardiff, so the system is already widely understood by yachtsmen and no additional infrastructure is required; and (3) all vessels navigating international or foreign waters are obliged under the 1982 Law of the Sea Convention to be registered with their national authorities, so all UK vessels leaving UK waters and all foreign vessels entering UK waters are already under an obligation to be registered and thus no additional legislation is required.
2. Unfortunately, we do not hold information as to whether our members have access to the internet. According to figures published in 2007 by the Office of National Statistics, however, only 61% of households in the UK have internet access and only 67% of UK adults (i.e. individuals over 16) had accessed the internet in the three months preceding the research being carried out. For this reason, we believe that it is necessary for there to be an "alternative" means of submitting the appropriate data to e-Borders and, by virtue of its accessibility

to everyone, we would suggest that postal submission (with an option to fax) would be the most comprehensive and effective alternative.

3. Whether or not a data capture trial is feasible will depend on the purpose of the trial. If the intention is to demonstrate to our members how the technology works by, for example, displaying the data without retaining it then we might be able to arrange a trial during one of our events over the summer but we do not have any appropriate opportunities within the April 2008 timeframe originally proposed. The first realistic opportunity we will have to conduct such a trial is likely to be our sail cruise in mid-June. If, on the other hand, the intention is to retain the data captured then it might be unrealistic to run the trial until nearer the intended launch date.
4. Please find attached an initial draft of the Frequently Asked Questions feature, the contents of which we would like to agree with you, so that we can publish them in our quarterly magazine. **[Article regarding FAQs “e-Borders e-xplained” which appeared in the Autumn 2008 edition of RYA Magazine]**
5. We will raise e-Borders at the forthcoming EBA meeting next week. You would also, however, be most welcome to give a presentation at a future meeting of the EBA. The meeting in October 2008 is due to be in Dubrovnik and the April 2009 meeting in Dublin.
6. The definition of “passenger” for the purposes of Merchant Shipping legislation is primarily derived from case law, although the Merchant Shipping (Survey and Certification) Regulations 1995 define a “passenger” as being “any person carried on a ship except: (a) a person employed or engaged in any capacity on the business of the ship, (b) a person on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstance that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled, (c) a child of under one year of age.” Following the 1984 case of *Secretary of State for Trade v. Booth* (the “BICHE”), in which it was held that individuals on a sailing vessel who had paid for the excursion but who were also actively involved in the sailing of the vessel were nevertheless “passengers”, the Department for Transport produced Merchant Shipping Notice M1194 setting out its interpretation the definition of “passenger”. An extract of MSN 1194 is attached, although this MSN has since been withdrawn. In any event, in our view the case of the “BICHE” means that many individuals on board recreational craft will be “passengers” for the purposes of the Merchant Shipping legislation and it may therefore be difficult for them then to be classified as “crew” for e-Borders purposes.

We would be happy to discuss the above points in more detail, particularly the draft Frequently Asked Questions. The deadline for submitting articles for the Autumn edition of our magazine is June so we would therefore suggest a meeting at your offices some time during May, if that would be convenient to you.

We look forward to hearing from you.

With kind regards

**Email from RYA to UKBA**

**Date 23 Apr 2008**

I attach a copy of a notice that has been sent to us by an interested party. I understand that this Notice appears in the window of a local Harbour Master's Office.

A couple of points arise which I would be grateful if you could clarify:

1) I am not aware that there is currently any obligation for pleasure craft to report to the UK Immigration Service.

2) Is the Agency disseminating information within the pleasure boating sector on the e-Borders project? I cannot the e-Borders Team mentioning this at its meetings with the RYA.

I look forward to hearing from you.

Regards

**Email from RYA to UKBA**

**Date 12 May 2008**

I wonder if you have had a chance to consider my email of 23<sup>rd</sup> April and indeed [REDACTED] email of 11<sup>th</sup> April? I am ever conscious that time, it appears, is always against me. I am specifically thinking about the timescale for finalising the FAQs for the RYA Magazine.

I also understand that [REDACTED] is keen to set up another meeting, which he was hoping to arrange in May, we would therefore be grateful to hear from you with your proposed dates.

I look forward to hearing from you.

Regards

**Email from UKBA to RYA**

**Date: 14 May 2008**

Apologies for the delay in response. I have extracted this from [REDACTED] in box and am conscious some time has passed.

With regard to the poster in the harbour master's office under the 1971 Immigration Act all passengers and crew arriving in the UK are subject to immigration controls. This applies equally across all modes of transport. Under the 1971 Act, Schedule 2, para 27 (2) (a and b) there is an obligation to provide a passenger list and particulars of members of the crew.

This requirement applies equally to pleasure craft arriving from outside the UK.

I have spoken to the Immigration officers at Southampton and I understand they have been placing posters like this in harbour master offices to raise awareness of this requirement. This is completely separate to e-Borders.

With regard to raising awareness of e-Borders legislation and the implication for pleasure boaters we would still very much like to use you as the conduit as you already have the avenues in place and know your audience.

I hope this answers your enquiry.

**Email UKBA to RYA**

**Date: 21 May 2008**

As we discussed in order to answer your enquiry about the notice in harbour master offices rather than me go back to Southampton asking the questions it probably makes more sense if you speak to them directly.

**Email UKBA to RYA**

**Date: 25 May 2008**

Following our discussion on the phone the other day, I have done some web surfing with mixed results.

The original Statutory Instrument specifying the requirements outlined in Para 27 of Schedule 2 to the Immigration Act 1971

([http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1971/cukpga\\_19710077\\_en\\_1](http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1971/cukpga_19710077_en_1))

was No. 1667 of 1972. Try as I might I cannot find a copy of this SI - you however may have a better reference library. What I did find was SI No. 5 of 2008

([http://www.opsi.gov.uk/si/si2008/uksi\\_20080005\\_en\\_1](http://www.opsi.gov.uk/si/si2008/uksi_20080005_en_1)) which provides the detail you require in Schedule 1 and also shows the amendment trail from SI 1667/1972 through 980/1975 and then to 912/2000.

I also attach a copy of the IMO standard crew list form (IMO FAL5) which complies with current requirements.

You also questioned the application of these requirements to 'pleasure craft' as well as commercial shipping. Whereas it is true to say that the word 'ship' is used throughout the relevant legislation, the definition of 'ship' in Section 33 of the Immigration Act 1971 is - *"includes every description of vessel used in navigation."* So that just about seems to cover everything that floats.

My colleague, [REDACTED] has local responsibility for small ports, airfields and marinas in our district and he or I would be happy to answer any other queries you may have

**Email from UKBA to RYA**

**Date: 28 May 2008**

Many thanks for your very prompt response to the questions raised at our meeting. I apologise for the time it has taken to get back to you. Attached is the Q&A, with only minor amendments. We are running out of time to meet in May, although if by chance you were able to make the 29 May we could meet tomorrow. Alternatively are you able to make any of the following:

2 June  
5 June pm  
6 June  
9 June  
10 June

I look forward to meeting you again.

**Email from UKBA to RYA**  
**Date: 22 Aug 2008**

I am pleased to attach the amended RYA mag copy for your comments.

My editor informs me that we will be adding another picture (of motorboats) to the article.

Can you provide us with your website links to 'roll-out' and 'general updates' – which we can then add to the copy.

Look forward to receiving your comments on the copy. Our deadline is the middle of next week for final comment – I hope that this deadline does not cause you any inconvenience, if it does do let me know.

**Email UKBA to RYA**  
**Date 05 Sep 2008**

I do accept you have done everything possible to try to ensure the article is as accurate as possible but just wanted to add some comments as follows:

How will it affect recreational boaters? – e-Borders applies when a craft lands somewhere outside of the UK, if a boater went out for a sail but did not land and returned to the UK we do not need to be notified.

Information required – TDI is as follows:

Full name  
Gender  
Date of birth  
Nationality  
Travel Document number (not necessarily passport)  
Travel Document type  
Travel Document expiry date  
Travel Document Issuing state

Which is slightly different to that quoted.

When must the information be provided?

There has been a slight change here and the data can only be provided from 24 hours prior to departure.

Do I have to re-submit data for every voyage?

The e-Borders system will not have the ability to re-cycle data and data will be required for all trips, both inbound and outbound.

I apologise for not picking this up before and hope this does not cause you too much trouble.

**Email from RYA to UKBA**

**Date: 06 Sep 2008**

The late submission of the team's amendments is unfortunate, as it is too late for us to incorporate them – we will have to run an update in the winter mag. Perhaps we can liaise over this in early November – that way you can identify whether there have been any further changes.

Can you tell me what you mean by Travel Document?

**Email from RYA to UKBA**

**Date: 12 Sep 2008**

I attach a copy of the joint e-Borders and RYA Q&As which appears in the Autumn edition of the RYA mag.

Having approved the final copy your team notified us of the following changes:

**How will it affect recreational boaters?**

e-Borders applies when a craft lands somewhere outside of the UK, if a boater went out for a sail but did not land and returned to the UK we do not need to be notified.

**Information required**

**TDI is as follows:**

Full name

Gender

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Nationality

Travel Document number (not necessarily passport)

Travel Document type

Travel Document expiry date

Travel Document Issuing state

**When must the information be provided?**

There has been a slight change here and the data can only be provided from 24 hours prior to departure.

**Do I have to re-submit data for every voyage?**

The e-Borders system will not have the ability to re-cycle data and data will be required for all trips, both inbound and outbound.

In light of e-Borders' proposed changes to the scheme for pleasure boaters, which in our opinion are fundamental, I would like to invite your team to attend a meeting at

our offices, at a time convenient to you in order to discuss the proposed changes. From our point of view it may well be beneficial to include Trusted Borders in the meeting.

Having now introduced the scheme to our membership in outline, we will need to produce updates in our quarterly mag; it will therefore be of great assistance to us to keep in communication with your team and indeed to be consulted as to updates and proposed changes. With this in mind it would be useful to the meeting either towards the end of September as copy for our next mag is the beginning of October.

I look forward to hearing from you.

**Email from UKBA to RYA**

**Date: 12 Sep 2008**

Can I suggest we catch up at the Boat show next week? I will be there on Thursday if this is convenient for you. If not, the next date I have is 03/10/08.

I had thought that we made it clear that unless there was a landing involved that there would be no obligation to report the voyage to e-Borders. I would think this should make things simpler for recreational boaters. We can clarify this in subsequent communications.

The change from passport to travel document does not make any real difference. Our comms generally speak about Travel Documents so that EU ID Cards and Refugee Documents etc. are included. This is not a substantive change and I think that what was published adequately sets out our requirements.

The issue of the timing of data submission is one that we are still working through. I will be in a better position to speak about this next week. I do not want to complicate data submission for your members.

The recycling issue is a difficult one- I think there has been confusion over what is possible systemically within the e-Borders main system and what could be achieved at the front end regarding data submission.

I hope this helps in the meantime, and thank you for your commitment to the programme and for publicising it in the magazine.

**Email from RYA to UKBA**

**Date: 12 Sep 2008**

Thursday is good for us – how does 12.30 suit you?

**Email from RYA to UKBA**

**Date: 22 Sep 2008**

Good to see you last week



As discussed I attach a draft of the update for the RYA winter mag for your information and comment. It is very much in draft form at this stage so please do feel free to make any proposed amendments.

Look forward to hearing from you

**Email from RYA to UKBA**

**Date: 04 Nov 2008**

I hope you are keeping well.

We are beginning to receive responses from our members following the Autumn Edition of the RYA Mag.

I would be grateful if you could confirm whether there is existing legislation in place that covers the powers required to bring the scheme into force and, if so, can you direct me to the legislation and the relevant sections. I assume that the authority for the scheme stems from the Immigration Asylum and Nationality Act 2006, (does the Immigration Act 1971 impact on the scheme?). If not can you confirm what statutory powers will be sought and let me have details of proposed draft Regulations etc.

I shall start collating FAQs and perhaps (depending on how many we have) send some over to you for reply with a view to publishing in a further edition of the RYA Mag

Regards

**Email from RYA to UKBA**

**Date: 05 Nov 2008**

An interesting point has arisen in respect of how the e-Borders scheme is envisaged to apply between Northern and Southern Ireland? Effectively on land in Ireland there is no land border. We wonder how the programme will apply to boats going north and south (and vice versa) in Ireland?

Regards

**Email from RYA to UKBA**

**Date: 14 Nov 2008**

Hope you are keeping well. I have been asked a question, which may well later form part of the FAQs we discussed producing between our respective organisations but in the meantime I would like to be able to answer this inquiry direct.

*If a boat has a duty to notify (i.e. a land to land voyage), what is the procedure if an unexpected guest/crew arrived to join the party at the last minute (e.g. just prior to departure) or indeed there is a change of crew/guest during the voyage, e.g. due to illness? Does the skipper have a duty to update e-Borders? Or is this similar to voyage changes i.e. on a reasonable endeavours basis?*

Regards

**Email from UKBA to RYA**

**Date 08 Jan 2009**

Many apologies for the delay.

**Email from RYA to UKBA**

**Date: 08 Jan 2009**

Unfortunately, some of the answers you have provided to the FAQs appear to conflict with or contradict advice you have given previously and I would not be able to publish the FAQs as they stand without risking confusing our members.

For example, in the Autumn 2008 Edition of the RYA Mag, the Team's response to the question 'what happens if my plans change during my voyage?' was 'once the TDI and SI information have been submitted the e-Borders system assumes arrive and departure. The e-Borders team has taken onboard the nuances involved in recreational boating. It understands that voyage plans may have to change, for example due to weather conditions, illness of crew/passengers. The requirement to provide accurate information is on a best endeavours basis thereby acknowledging that it may not necessarily be practicable to update the data if a voyage changes, for example, due to a marina lacking the necessary technical facilities, non-marina anchoring, however, it may be possible to update information on a voluntarily basis.'

Indeed in the past you have advised, in response to the following scenario:

*Q: If a boat has a duty to notify (i.e. a land to land voyage), what is the procedure if an unexpected guest/crew arrived to join the party at the last minute (e.g. just prior to departure) or indeed there is a change of crew/guest during the voyage, e.g. due to illness? Does the skipper have a duty to update e-Borders? Or is this similar to voyage changes i.e. on a reasonable endeavours basis?*

A: If unexpected guest joins the boat, this would, fall under the heading of "reasonable endeavours". In relation to unexpected departure due to illness, this would fall under the exceptional situation. I don't think it would be reasonable for us to expect data before we allowed a sick person to be taken off the boat.

The Team's advice (particularly in relation to questions 3 and 4) appears now to be less accommodating towards notification and unexpected/unplanned changes to crew and voyage plans, apparently disregarding the previously acknowledged 'nuances' involved in recreational boating.

Perhaps you would therefore urgently reconsider your response to questions 1, 4, 5, and 7:

- 1. The question assumes that TDI and SI have already been provided. In such circumstances, would the master of the vessel need to provide updated TDI and SI in the event the information has changed?

- 4. For consistency with previous advice, presumably there should be reference to 'reasonable endeavours'?
- 5. The circumstances in question 5 are different from those in question 4 – in the circumstances in question 4 the master may well be in a position to update the TDI and SI reasonably soon after the change of plan (particularly if returning to port or diverting to another port at the last minute). Question 5, on the other hand, is intended to relate to yachts that may have crossed the Atlantic or the Bay of Biscay and were therefore last in port some weeks previously. It would therefore help our members if the answers to these two questions reflected the different circumstances, although the answer to both may be that the master should simply use reasonable endeavours to notify any changes.
- 7. Our understanding was that the legal responsibility for providing data rests with the master of the vessel, but not the capture of the data.
- 9. We would, of course, be happy to work with the Team to help identify ways to raise awareness among non-UK boaters visiting the UK, but I don't believe that this could reasonably be described as work in progress.

As you know, I am now up against a very tight deadline for publication. Please would you therefore confirm whether you would be able to provide me with revised answers to the FAQs by close of business tomorrow?

Regards

**Email from UKBA to RYA**  
**Date: 19 Jan 2009**

Hopefully this meets your requirements. Let me know if not.

**Email from RYA to UKBA**  
**Date: 19 Jan 2009**

I appreciate your time and help on this.

I've made a tiny amendment to the question and I believe your revised answer is more explanatory to the boating public.

I wonder if I could ask you to take a quick look at Q.10 as I do not believe the answer actually answers the question. Is there any chance of it being revised to answer the question?

Regards

**Email from UKBA to RYA**  
**Date: 19 Jan 2009**

Please see amendment to question 10

**Email from RYA to UKBA**  
**Date: 19 Jan 2009**

Thanks for that. I am hoping that my editor will now accept our changes.

Thanks for all your help.

Best wishes

**Email from RYA to UKBA**

**Date: 05 Mar 2009**

I hope you are well.

I wish to reproduce a copy of HMRC's C1331 in the next edition of the RYA and I wonder if you are able to authorise this or put me in touch with the relevant person?

Also I wonder if you have details of UK Customs' pre-1993 reporting requirements, relevant forms etc?

Regards

**Email from UKBA to RYA**

**Date: 19 Mar 2009**

Sorry for the delay in replying but the following is the response that has been passed to me by HMRC legal colleagues.

"HMRC colleagues responsible for pleasure craft matters advise me that as a result of the changes to the travellers' duty-free allowances last December/January, there are a number of forms currently under revision including the C1331. Given that the information on the current version of the form now conflicts with that shown for pleasure craft users in our Public Notice 1, HMRC would not be keen to see the current form published as it could lead to confusion and people getting their duty-free allowances wrong.

As the C1331 and related documentation hasn't been reviewed recently, HMRC is taking the opportunity to do this now and updated forms should be ready within a couple of months.

As to pre-1993 reporting arrangements I'm afraid that this information is not now readily available. We can say that prior to 1993, all pleasure craft arriving in the UK (whether based here or not) were subject to reporting requirements. Of course, after 1993 and the introduction of the Single Market, the need for routine inwards reporting of craft arriving from another Member State was removed and report only required where goods need to be declared or immigration clearance required."

When seeking a progress report on the reviewing of the C1331 it might be quicker to go directly to HMRC's Pleasure Craft Unit of Expertise. I have been led to believe you have a contact (we don't directly). If you don't, let me know and I will go back for a name.

**Email from RYA to UKBA**

**Date: 08 May 2009**

Further to our conversation this morning I understand that the next EBA meeting is due to be held in Prague on 16<sup>th</sup> and 17<sup>th</sup> October 2009. Following that there will be a meeting in Amsterdam sometime in April 2010.

Best wishes

**Email from UKBA to RYA**

**Date: 11 May**

I have copied in [REDACTED] as from memory she sent me the booking form for the event in Dubrovnik. I understand at the recent meeting with [REDACTED] we gave an undertaking to attend this event. Please could you send me any details that are available currently about this.

Many thanks

**Email from RYA to UKBA**

**Date: 14 May 2009**

Sorry for late reply. Our next EBA meeting is in Prague over weekend 16 – 18 October and then in April 2010 in Amsterdam, dates yet to be confirmed

**Email from UKBA to RYA**

**Date: 14 May 2009**

Once more is known about the event in Prague please can you let me have the detail. From memory we were going to give a presentation on e-Borders, would this still be the best approach?

Thanks for getting back to me.

**Email from RYA to UKBA**

**Date: 14 May 2009**

I will let you have more detail on the EBA meeting as it shapes up. In the meantime, we will need to see how eBorders is shaping up before we decide if Prague would be the best time for a presentation

Kind Regards

**Email from UKBA to RYA**

**Date: 14 May 2009**

We will take our lead from you as to the most appropriate time to engage at this forum.

**Email from RYA to UKBA**

**Date 14 May 2009**

No problem

Regards

**Letter from UKBA to RYA**

**Date: 25 June 2009**

RYA

RYA House

Ensign Way, Hamble

Southampton

SO31 4YA

Thank you for your letter of 5<sup>th</sup> June. I agree that the meeting we held on 5<sup>th</sup> May was both useful and constructive.

In your letter you raise two principal issues. The first of these is whether the UK Government should seek to secure its sea border. You agree that it should and I am grateful for your support in this. You describe the second issue as whether the Government's proposals are reasonable, proportionate to the risk and likely to be effective. In relation to this second point, you raise a number of concerns. I think it will be helpful if I deal with each of these in turn.

Firstly, you express concern about whether e-Borders is the appropriate mechanism to secure the borders for leisure boating and, in this regard, express some concerns over the terminology currently available on the UK Border Agency website. I would ask you to note that "carrier" is a generic term that applies to all vessels. Although we use airlines, ferries and rail companies as examples, this is not a comprehensive list, and the term also applies to leisure boats and private planes.

As you are aware, we are in the early stages of programme delivery and our current focus is on commercial carriers. It is at them that the published material is primarily aimed. However, you are right to highlight that the language used may not be helpful in the leisure boating context, and we shall endeavour to use more appropriate language when we produce information targeted specifically at the leisure maritime sector.

You are also right to point out that the current published material is aimed at those commercial carriers who would collect this data as part of their business as usual process. We accept that such a model is not applicable in the leisure boating arena. It is our intention to implement a solution that is simple to use and as flexible as possible and this is why we are committed to an ongoing conversation with you and this sector. The comprehensive explanation that you seek is not yet fully formed as the very valuable input you have given to the Programme has, and is still, informing the final design of our solution.

You say that you believe any mechanism to secure the border in relation to recreational boating will only work if it does not impose undue burdens on law-abiding citizens. This is our belief too, and is the reason we are keen to ensure your concerns are not only heard, but also form part of our development of a leisure boating model.

You have expressed concern that the solution as described so far will not provide an effective means of securing the border. If e-Borders were simply an IT system this would be true. However, e-Borders is a system of border management enabled by technology and the information it gathers from all those entering and leaving the UK. Our intention remains to use the opportunities presented by the system to enable the border in all its aspects to be managed in a secure, efficient and proportionate manner. You make reference to Operation Kraken and other initiatives centred on the leisure maritime sector. It is our intention to enhance the capability of such operations by exploiting the data received by e-Borders to allow them to be more frequent and more effective.

You mention the record of Government in handling and securing personal data. I can assure you that this programme has not only taken note of any lapses but has used these as learning to ensure that data supplied to the e-Borders system cannot be lost misplaced or otherwise misused. Stringent controls have been put in place to protect data collected through this system.

Everyone with access to the system has been security cleared, with only a limited number of people able to access the full database. These individuals will have undergone the highest security vetting procedures and face severe sanctions for data misuse. The computer systems have been security accredited surpassing recognised international industry standards and the Information Commissioner has been actively involved in the development of the e-Borders system to ensure that the system meets his high standards. A statutory code of practice is also in place which regulates the use of information.

I am pleased that you remain committed to the aim of a secure and well managed border and I can assure you that I will continue in my efforts to ensure that the solution for the leisure boating community is one that is simple and secure.

Yours sincerely

**Email from UKBA to RYA**

**Date: 13 Nov 2009**

It was good to meet with you and apologies for the delay in issuing the notes of the meeting. With reference to action point 1 – meeting up again prior to the London Boat Show, please can you let me know if you would be able to make the 7<sup>th</sup>, 9<sup>th</sup> or 11<sup>th</sup> December.

Many thanks

**Email attachment – Minutes of meeting 22 Oct 2009:**

**Meeting with British Maritime Federation and Royal Yachting Association**

**22 October 2008** (N.B. This date should have read 2009)

**Attendees:**

1. Introductions

2. [REDACTED] gave an overview of e-Borders and gave a copy of the presentation used at the Southampton Boat Show to [REDACTED]

3. [REDACTED] detailed some of the feedback from the Southampton Boat Show, as follows:

3.1 Some misconceptions – such as data has to be submitted 24 hours in advance

3.2 Common theme that the proposed solution unworkable in practice.

3.3 Condemnation of relying on internet access to submit data – many said a more flexible method of data submission had to be provided if there was any chance that the system would be workable in the leisure boating context. Most popular proposal was text messaging.

3.4 Concern that planned and actual voyages are often different – keen to see a means of updating data or a firm declaration that we would not seek to prosecute where every effort had been made to supply data.

3.5 Concern about last minute crew changes and our expectations in such situations.

4. Discussion of proposed alternative interfaces

4.1 Text messaging – [REDACTED] suggested looking at schemes such as “RingGo” – commonly used in car parks to pay for parking by mobile phone.

4.2 Enabling the e-Borders website with cookies that would allow TDI and SI to be retained and triggered for submission by a simple text message.

4.3 Use of VHF radio. [REDACTED] said this was insecure and did not feel this option should be progressed.

[REDACTED] said once options have been explored and those viable for progression identified, BMF would be keen to communicate this to the industry. They have access to the majority of marinas.

5. Discussion about channels of communication

5.1 BMF has access to marinas

5.2 Yacht Harbour Association, provide moorings and hold quarterly meetings at BMF, Egham

5.3 BMF has communication links with large and small marine operators.

5.4 [REDACTED] said [REDACTED] BPA, useful channel of communication

6. Preparation for London Boat Show – Jan 2010



██████ said there is a stage at the London Boat Show, if appropriate we may use this presentation opportunity if we are near a solution.

**Action Point (AP)1 – BMF, RYA and e-Borders to meet mid December to understand topical issues prior to the London Boat Show.**

## 7. Stakeholder engagement avenues

7.1 ██████ supplied a list of forthcoming shows, he said of particular relevance are:

“Boot Düsseldorf” – January 23-31 2010 in Germany and the Belgian Boat Show 6-14 February 2010. Also of interest may be the Marine Equipment Trade Shows (METS), held in Amsterdam in November 2009.

██████ said there are two trade magazines – International Boat Industry (IBI) and Boating Business

**AP2 – ██████ to send ██████ electronic copies of the “overview of the legislation” and “e-Borders Leisure craft making international journeys – your questions answered”**

**AP3 – ██████ offered to arrange a visit for e-Borders around the south coast to see marine and harbour operators and clubs**

**AP4 – ██████ to forward dates of forthcoming meetings of interest.**

**Agenda sent to RYA from UKBA  
Date: 10 Dec 2009**

VISIT BY THE ROYAL YACHTING ASSOCIATION

TO HM CUTTER VALIANT

10 DECEMBER 2009

OUTLINE AGENDA

TIME	VISITORS' PROGRAMME	SHIP'S PROGRAMME
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0930	UKBA party arrives	Meeting with Commander to discuss day's programme
1030	Royal Yachting Association	Introductions
1030 – 1100	Introductions and brief tour of cutter, to include full safety briefing	Prepare to sail
1100 – 1200	Presentation on Maritime's role and work and Q&A	Slip and proceed to Solent /IOW area
1200-1300	Observe operations of the cutter/RIB including boarding demonstration	Western Solent for short patrol to demonstrate operations
1300 – 1400	Lunch and discussions on maritime/e-Borders	Return to Berth
1400 – 1430	Wash up and next steps	
1430	Depart	