

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

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Introduction

1. I do not support the proposal that we should be required to undergo identity checks as a condition of travelling on the Steam Packet. Furthermore, the proposals are, in practice, unworkable. If implemented, they would inconvenience all passengers, disrupt the Steam Packet schedule and could be easily bypassed. Significantly, similar proposals were put forward by the last New Labour Government. These created constitutional issues and were dropped by the incoming Coalition Government.

Freedom of movement and constitutional issues

2. As a British citizen resident in the Common Travel Area I have no need to identify myself whilst going about my lawful business. I have a right to a private and family life under the Human Rights Act. This means being able to travel around the Sovereign territory of the United Kingdom and the Crown Dependencies without carrying identity documents. The same principle applies when travelling from Manchester to Lancaster as from Lancaster to Douglas. To attempt to force me to carry ID is an infringement of my liberty.
3. The premise on which we are supposed to want to surrender a fundamental freedom is that we live in an *'increasingly dangerous World'*. That is a matter of opinion. Objectively, based on what actually happens these days on British terra firma the risks to life and limb are no greater than at any time since the Second World War. We are certainly safer than during the IRA campaign. Personally, I choose not to be scared by the news and I suggest this is a better way to live your life than to continually give up freedoms for some notional idea of improved security.
4. It is notable that the issues raised by the New Labour Government's proposals for identity checks have been forgotten. As a consequence of those proposals the Isle of Man Chief Minister wrote ¹ to Lord Goodlad, Chairman of the House of Lords Select Committee on the Constitution, expressing concern about reform of the Common Travel Area. He stated that: *'The Isle of Man Government is extremely concerned about the extent of Clause 46 of this Bill, which will introduce the power to establish fixed border controls between the Republic of Ireland, the Crown Dependencies and the United Kingdom . . .'* and that *'the Isle of Man believes that Clause 46 undermines the constitutional relationship between the Isle of Man and the United Kingdom, as it takes no account of the historic and present legal, cultural and constitutional ties between us'*. It is baffling, therefore, that the current Isle of Man Government is re-introducing similar proposals.
5. These new proposals are supposed to be mirrored at the UK and Irish Sea ports. This would require those jurisdictions to adopt Isle of Man legislation in order to create the legal requirement for an identity check within the Common Travel Area. In effect, we are being asked to support legislative proposals which clearly extend beyond the jurisdiction of the Isle of Man. This is a situation which clearly places Tynwald at odds with its

¹ House of Lords Select Committee on the Constitution, 7th Report of Session 2008–09, Part 3 of the Borders, Citizenship and Immigration Bill Report, 12 March 2009.

constitutional position as a Crown Dependency responsible for internal legislation only. I note that the UK and Irish Governments have not been included in the list of persons or bodies consulted.

6. What has also been forgotten from New Labour's failed attempt to introduce identity checks across the Irish sea is that it inflamed tensions in Northern Ireland. The British-Irish Agreement² signed in Belfast in 1998 recognised that *'the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland'*. A British Citizen living in Ulster who finds that leaving the Province to travel within the UK, via the Isle of Man, is conditional on production identity documents will inevitably feel that their British status is being undermined. This issue was raised in a number of detailed submissions by the Northern Ireland Human Rights Commission³ during the passage of Clause 48 through the Borders, Citizenship and Immigration Bill 2009. It is quite plain that re-introducing the intentions of that failed Clause through Tynwald will inflame the same tensions and the blame this time will be pointed at the Isle of Man for orchestrating the legislation.

Practical and legal issues

7. The Department proposes that we all carry one of fourteen different types of identification and that they check this both when we present our ticket and again when we board the boat. In practice, this will prove to be both worthless and unworkable.
8. The Ben-my-Chree carries 666 passengers and 275 vehicles and the Manannan carries 800 passengers and crew and 200 vehicles. The UK Home Office estimates⁴ that it adds at least 20 seconds to the check in time for a car when the identity of the occupants is checked. Simple arithmetic reveals that it would take an extra 90 minutes to check 275 vehicles when loading a full boat. Based on numbers alone, the plans are unworkable within the current Steam Packet timetable. The Steam Packet would also have to require us to check in much earlier which would be a considerable inconvenience locally and even more of a nuisance in the UK and Ireland as passengers would have to start their car journey's much earlier.
9. It is further proposed that a second identity check is carried out on the vessel itself. Checking 800 passengers prior to taking their seats would be a logistical nightmare. Where is it proposed everyone would queue? On the steep stairwell or in the car deck during loading?
10. Many of the fourteen types of identification are easily forged. I.e. Disabled Badges or UK Council Bus Passes so checks could easily be circumvented. Even then, if the aim is,

² **Belfast Agreement, 10 April 1998**
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/136652/agreement.pdf

³ **Legislative Scrutiny: Borders, Citizenship and Immigration Bill - Human Rights Joint Committee, Memorandum submitted by the Northern Ireland Human Rights Commission to the UK Parliament, November 2008**
<http://www.publications.parliament.uk/pa/jt200809/jtselect/jtrights/62/62we26.htm>

⁴ **House of Commons Home Affairs Committee - Minutes of Evidence, The E-Borders Programme, 30 June 2009.**
<http://www.publications.parliament.uk/pa/cm200809/cmselect/cmhaff/817/9063001.htm>

'The Home Office reckon it would add 20 seconds to the transaction time for checking in a tourist car. When the existing transaction time is approximately 20 to 30 seconds, that is a significant increase and we do not believe it could be accommodated at peak times. We have been trying to work those issues through. To be honest, I would characterise it as trying to shove a square peg into a round hole. We have not been able to do it thus far.'

say, to prevent persons *'barred from the Island'* from returning, the checks are pointless as people could travel via British Airways which does not insist on Photo ID. In any case the passenger list is not available to the Department of Home Affairs or the Isle of Man Police due to UK and Isle of Man Data Protection laws. So people *'barred from the Island'* could enter by air instead of by boat!

11. The proposal that cruise ships should produce copies of their passengers lists is also likely to run foul of Data Protection laws.
12. A key requirement of identity control is to remove the possibility that, after a passenger's identity has been verified, that passenger then swaps a boarding card with another passenger. This means that after an identity check the passenger must move forward to a secure sterile area from which it is only possible to board the vessel. The Sea Terminal at Douglas does not currently have this architectural facility. Building it would be expensive and highly disruptive. There are a number of retail outlets at the Sea Terminal. They are situated in the obvious space for a seating lounge accommodating hundreds of passengers. Has any consideration been given to the loss of rental income from firms like Costa and W.H. Smiths?
13. The situation then has to be mirrored at the UK and Irish ports where it is proposed the checks would also be carried out. What is not stated is who would be expected to pay for the necessary modifications of those ports. Has the Department contacted Peel Ports to ascertain if they are happy to invest in secure areas to hold car and foot passengers separately after they have been identity checked?
14. The consultation states that the checks should be principally carried out at Douglas Harbour *'on departure'*. This is an odd priority given that the purpose of the checks is supposedly to prevent people from arriving in the Island.
15. It is stated that the *'Harbours Act 2010 provides powers for the Department of Infrastructure to make rules with regard to the operation of the Island's harbours'*. What is not stated is the extent of the proposed powers. Checks without powers are pointless. What powers does the Department have in mind? Who would wield the powers? It is proposed that the Steam Packet staff would conduct the checks. Supposing they find a person of interest? Will there be a policeman on permanent duty in order to apprehend a person of interest? If not, the checks will be ineffective. Is the Department, in fact, attempting to create powers that, effectively, require passengers to seek its permission before leaving the Isle of Man?
16. Finally, I note that in addition to the consultation an online survey has been set up. Ironically, this survey does not include any form of verification to ensure either that those completing it live in the Isle of Man or to prevent people from completing it more than once. It is extremely easy to fill in multiple surveys. This means that any data gathered by this online survey must be considered void.

Conclusions

17. These proposed identity checks are a huge over reaction to perceived dangers that have simply not been quantified. They are unworkable in practice, would disrupt the Steam Packet schedule and cause delays and inconvenience and expense to the public. Self evidently, this would be detrimental to people wanting to visit the Isle of Man. They might find holidays in the Scottish Island more attractive as you can just hop on a boat and drive off without being inconvenienced and treated with suspicion.

