
 STATUTORY INSTRUMENTS

1972 No. 1813

IMMIGRATION

The Immigration (Jersey) Order 1972*Made* - - - 28th November 1972*Coming into Operation* 28th November 1972

At the Court at Buckingham Palace, the 28th day of November 1972

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 36 of the Immigration Act 1971(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Immigration (Jersey) Order 1972 and shall come into operation forthwith.
2. The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
3. The provisions of Parts I, III and IV of the Immigration Act 1971 (including the Schedules dependent thereon) shall extend to the Bailiwick of Jersey with such exceptions, adaptations and modifications as are specified in the Schedule hereto.

W. G. Agnew.

SCHEDULE

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS

References to the Act and other enactments

1.—(1) Subject as hereinafter provided and save where the context otherwise requires, any reference to the Act or any provision thereof shall be construed as a reference thereto as extended to the Bailiwick of Jersey.

(2) Subject as hereinafter provided, any reference to any other enactment shall be construed as a reference thereto as it has effect in the Bailiwick of Jersey.

References to the Secretary of State

2.—(1) Subject as hereinafter provided, for any reference to the Secretary of State there shall be substituted a reference to the Lieutenant-Governor.

(2) In the following provisions, that is to say in sections 4(3) and (4), 5(6) and 29(2), in Schedule 2, paragraphs 10(3), 14(3), 19(1) and 20(1) and, in Schedule 3, paragraph 1(4), for any reference to the Secretary of State there shall be substituted a reference to the Committee (defined as the Defence Committee of the States).

 (a) 1971 c. 77.

(b) 1889 c. 63.

References to the United Kingdom

3.—(1) Subject as hereinafter provided, for any reference to the United Kingdom there shall be substituted a reference to the Bailiwick of Jersey.

(2) Nothing in this paragraph shall affect any reference to the United Kingdom and Islands, to the United Kingdom or Islands or to a citizen of the United Kingdom and Colonies or any cognate reference.

References to a constable

4. For any reference to a constable there shall be substituted a reference to a police officer.

Exercise of powers

5.—(1) Any power to make regulations shall be construed as a power to make an order.

(2) Any requirement that a power be exercised by statutory instrument shall be omitted.

Section 1

6.—(1) In section 1(3) for the words “any of the Islands (that is to say, the Channel Islands and Isle of Man)” there shall be substituted the words “the United Kingdom, the Bailiwick of Guernsey, the Isle of Man”.

(2) For section 1(4) there shall be substituted the following provisions:—

“(4) The Committee may make rules as to the practice to be followed in the administration of this Act for regulating the taking of employment by persons not having the right of abode who are given leave to enter the Bailiwick and the Subordinate Legislation (Jersey) Law 1960 shall apply to such rules.

(4A) The Lieutenant-Governor shall give directions as to the practice to be followed in the administration of this Act for regulating the entry into and stay in the Bailiwick of persons not having the right of abode and such directions shall include provision for admitting (in such cases and subject to such restrictions as may be provided by the directions and subject or not to conditions as to length of stay or otherwise) persons coming for the purpose of taking employment, or for the purposes of study, or as visitors, or as dependants of persons lawfully in or entering the Bailiwick.”.

(3) In section 1(5) for the word “rules” in both places where it occurs there shall be substituted the word “directions”.

Section 2

7. Nothing in paragraph 3 of this Schedule shall affect any reference in section 2(3) or (4) to the United Kingdom.

Section 3

8.—(1) In section 3(1)(c) for the words “with the police” there shall be substituted the words “as provided under section 4(3) below”.

(2) For section 3(2) there shall be substituted the following provision:—

“(2) Section 1(4) and (4A) of this Act shall not be taken to require uniform provision to be made as regards admission of persons for a purpose or in a capacity specified in the said section (and, in particular, for this as well as other purposes of this Act, account may be taken of citizenship or nationality).”.

(3) In section 3(7) the words "Any Order in Council" to the end shall be omitted.

(4) In section 3(9) for the words "immigration rules" there shall be substituted the words "directions given under section 1(4A) above".

Section 4

9.—(1) In section 4(1) for the words preceding the semi-colon there shall be substituted the following words:—

"(1) The following powers under this Act shall be exercised as hereinafter provided, that is to say—

(a) the power to give or refuse leave to enter the Bailiwick of Jersey shall be exercised by immigration officers,

(b) the power to give leave to remain in the Bailiwick of Jersey, and the power under section 3(3)(a) to vary any leave as regards duration, shall be exercised by the Lieutenant-Governor, and

(c) the power under section 3(3)(a) to vary any leave otherwise than as regards duration shall be exercised by the Committee".

(2) In section 4(3) and (4) the requirements that instruments made thereunder shall be subject to annulment in pursuance of a resolution of either House of Parliament shall be omitted.

(3) In section 4(3)—

(a) the words "with the police" shall be omitted;

(b) for the words "officers of police" there shall be substituted the words "body or person";

(c) before the words "as to the place and manner" there shall be inserted the words "as to the body or person with whom and".

Section 6

10.—(1) In section 6(1) the words "unless the court" to the end shall be omitted.

(2) In section 6(2) for the words "adjournment conferred by section 14(3) of the Magistrates' Courts Act 1952, section 26 of the Criminal Justice (Scotland) Act 1949 or any corresponding enactment for the time being in force in Northern Ireland" there shall be substituted the words "a court to adjourn".

(3) In section 6(5) the words "(a) except in Scotland," and the words "and (b) in Scotland," to the end shall be omitted.

(4) In section 6(6) the words from "or, in Scotland" to the end shall be omitted.

(5) Section 6(7) shall be omitted.

Section 7

11. In section 7(4) paragraph (c)(ii) and the words following that paragraph shall be omitted.

Section 8

12.—(1) For section 8(2) there shall be substituted the following provision:—

"(2) The Committee may direct that any particular person or class of persons shall be exempt either unconditionally or subject to such conditions as the Committee may impose from all or any of the provisions of this Act relating to those who are not patrial insofar as those provisions apply to the taking of

employment; and the Lieutenant-Governor may direct that any particular person or class of persons shall be exempt either unconditionally or subject to such conditions as the Lieutenant-Governor may impose from all or any of the remaining provisions of this Act relating to those who are not patrial.”.

(2) In section 8(3) after the words “otherwise entitled” there shall be inserted the words “within the United Kingdom” and nothing in paragraph 1(2) of this Schedule shall affect the reference therein to the Diplomatic Privileges Act 1964(a).

(3) Nothing in paragraph 1(2) of this Schedule shall affect the reference in section 8(4) to the International Headquarters and Defence Organisations Act 1964(b).

(4) Nothing in paragraph 3 of this Schedule shall affect the reference in section 8(4)(c) to the United Kingdom.

(5) In section 8(5) for the words “any of the Islands” there shall be substituted the words “the United Kingdom, the Bailiwick of Guernsey or the Isle of Man”.

Section 9

13.—(1) In section 9(1) and (2) for the words “any of the Islands”, in both places where they occur, there shall be substituted the words “the United Kingdom, the Bailiwick of Guernsey or the Isle of Man”.

(2) In section 9(2)—

(a) for the words “with the police” there shall be substituted the words “as provided under section 4(3) above”;

(b) for the words “by an order” to the end there shall be substituted the following words:—

“by order and may be applicable to them; and the power to make an order under this subsection shall be exercised—

(a) as respects the period for which persons may remain, by the Lieutenant-Governor, and

(b) as respects other conditions, by the Committee”.

(3) Section 9(5) and (7) shall be omitted.

Section 10

14. Section 10 shall be omitted.

Section 24

15.—(1) In section 24(1) the words “on summary conviction” shall be omitted.

(2) Section 24(3) shall be omitted.

Section 25

16.—(1) In section 25(1) the words “on summary conviction with a fine of not more than £400 or with imprisonment for not more than six months, or with both, or on conviction on indictment” shall be omitted.

(2) In section 25(2) the words “on summary conviction” shall be omitted.

(3) Section 25(4) shall be omitted.

(4) In section 25(6) the words “on indictment” shall be omitted.

(a) 1964 c. 81.

(b) 1964 c. 5.

Section 26

- 17.—(1) In section 26(1) the words “on summary conviction” shall be omitted.
(2) Section 26(2) shall be omitted.

Section 27

18. In section 27 the words “on summary conviction” shall be omitted.

Section 28

19. Section 28(1), (2) and (3) shall be omitted.

Section 29

20. In section 29(1) for the words “The Secretary of State may, in such cases as he may with the approval of the Treasury” there shall be substituted the words “The Committee may, in such cases as it may with the approval of the Finance and Economics Committee of the States”.

Section 30

21. For section 30 there shall be substituted the following section:—

“30. In Article 42 of the Mental Health (Jersey) Law 1969 for the words “or who is an alien” there shall be substituted the words “or who is not patrial within the meaning of the Immigration Act 1971.”.

Section 31

22. Section 31 shall be omitted.

Section 32

23.—(1) In section 32 for any reference to the Secretary of State there shall be substituted a reference to the Lieutenant-Governor or the Committee.

(2) In section 32(2) after the words “signed by him” in the second place where they occur there shall be inserted the words “or on behalf of the Committee as the case may be”.

(3) In section 32(3) and (4) the words “or proceedings under Part II of this Act”, in both places where they occur, shall be omitted.

Section 33

24.—(1) Nothing in paragraph 1 or 3 of this Schedule shall affect the definition in section 33(1) of the expressions “immigration laws”, “the Islands” and “the United Kingdom and Islands”.

(2) In section 33(1) the definition of “immigration rules” shall be omitted and for the definitions of the expressions “legally adopted”, “settled” and “work permit” there shall be substituted, respectively, the following definitions:—

“legally adopted” means adopted in pursuance of an order made by a court in the United Kingdom and Islands;

“settled” shall be construed in accordance with section 2(3)(d) above but, where used in relation to the Bailiwick of Jersey only, as if for any reference in section 2(3)(d) or in section 8(5) to the United Kingdom and Islands there were substituted a reference to the Bailiwick of Jersey;

“work permit” means a permit issued by the Committee to a specific employer in respect of a specific post.”;

and there shall be inserted the following definitions:—

‘ “Committee” means the Defence Committee of the States;

“Lieutenant-Governor” means the person for the time being holding the office of Lieutenant-Governor and Commander-in-Chief of the Island of Jersey and its Dependencies;

“States” means the States of Jersey;’.

(3) For section 33(3) there shall be substituted the following provision:—

“(3) The ports of entry for the purposes of this Act and the ports of exit for the purposes of any Order in Council made under section 3(7) above shall be the approved ports set out in the Schedule to the Loi (1937) sur les Etrangers or such places as the States may by Act designate.”.

(4) Section 33(4) shall be omitted.

Section 34

25.—(1) In section 34(2) and (3) for both references to the Aliens Restriction Act 1914(a) there shall be substituted references to the Loi (1937) sur les Etrangers and in section 34(3) the words “by Order in Council” shall be omitted.

(2) Section 34(4)(c) shall be omitted.

Section 35

26. For section 35 there shall be substituted the following provisions:—

“35.—(1) Subject to the provisions of subsection (2) of this section, this Act shall come into force on 1st January 1973, and references to the coming into force of this Act shall be construed as references to the beginning of that day.

(2) For the purposes of making any instruments expressed to come into operation on or after 1st January 1973, this Act shall come into force forthwith.”.

Section 36

27. Section 36 shall be omitted.

Section 37

28. Section 37(2) shall be omitted.

Schedule 1

29.—(1) Nothing in paragraphs 2 and 3 of this Schedule shall affect Schedule 1 or the Appendices thereto without prejudice, however, to the operation of paragraph 4 of Schedule 1.

(2) Paragraph 3(2) of Schedule 1 shall be omitted.

(3) In paragraph 3(3) of Schedule 1 the words “and section 18 of the Immigration Appeals Act 1969” shall be omitted.

Schedule 2

30.—(1) For paragraphs 1(1), (2) and (3) of Schedule 2 there shall be substituted the following provisions:—

“1.—(1) Immigration officers for the purposes of this Act shall be appointed by the Committee with the concurrence of the Lieutenant-Governor and, with such concurrence, the Committee may arrange for the employment of officers of customs as immigration officers under this Act; and aliens officers appointed in pursuance of the Loi (1937) sur les Etrangers shall be deemed to have been duly appointed immigration officers under this paragraph for the purposes of this Act.

(2) The medical officer of health and his deputy shall be medical inspectors for the purposes of this Act.

(3) In the exercise of their functions under this Act, immigration officers shall act in accordance with such directions or instructions as may be given them—

(a) by the Lieutenant-Governor, as respects the entry of persons into the Bailiwick, the period for which such persons may remain and to matters incidental thereto;

(b) by the Committee as respects any other matters;

and medical officers shall act in accordance with such instructions as may be given them by the Committee.”.

(2) In paragraph 4(4) of Schedule 2 the words “on appeal under this Act or” shall be omitted.

(3) In paragraph 5 of Schedule 2 for the word “order” there shall be substituted the word “direction”.

(4) In paragraph 17(2) of Schedule 2 for the words “a justice of the peace” there shall be substituted the words “the Bailiff” and—

(a) sub-paragraph (b), and

(b) the words “acting for the police area in which the premises are situated, or in Northern Ireland any constable”

shall be omitted.

(5) In paragraph 18(1) and (2) of Schedule 2 for the words “Secretary of State” there shall be substituted the words “Attorney General for Jersey”.

(6) In paragraph 19(3) of Schedule 2 the words from “or if he is” to “such a refusal,” shall be omitted.

(7) For paragraph 19(4) of Schedule 2 there shall be substituted the following provision:—

“(4) The expenses to which sub-paragraph (1) above applies include expenses in conveying the person in question to and from the place where he is detained or accommodated.”.

(8) For paragraph 20(3) of Schedule 2 there shall be substituted the following provision:—

“(3) The expenses to which sub-paragraph (1) above applies include expenses in conveying the person in question to and from the place where he is detained or accommodated.”.

(9) Paragraphs 22, 23, 24 and 25 of Schedule 2 shall be omitted.

(10) Part II of Schedule 2 shall be omitted.

Schedule 3

31.—(1) Paragraph 2(2) of Schedule 3 and the references thereto in sub-paragraphs (3), (4) and (5) shall be omitted.

(2) Paragraph 3 of Schedule 3 shall be omitted.

Schedule 4

32.—(1) For the heading to Schedule 4 there shall be substituted the following heading:—

“INTEGRATION WITH JERSEY LAW OF IMMIGRATION

LAWS OF THE UNITED KINGDOM, GUERNSEY AND THE ISLE OF MAN”.

(2) In Schedule 4 for the words “any of the Islands”, wherever they occur, there shall be substituted the words “the United Kingdom, the Bailiwick of Guernsey or the Isle of Man” and any reference to an Island shall be construed as including a reference to the United Kingdom.

(3) At the end of paragraph 1(2) of Schedule 4 there shall be inserted the following words:—

“; and for the purposes of this sub-paragraph a condition requiring a person to register with the police or any other body or person shall be treated as a condition requiring him to register under section 4(3) of this Act”.

(4) In paragraph 1(3) of Schedule 4 the words “and subject to the like appeal (if any)” shall be omitted.

(5) Paragraph 1(5) of Schedule 4 shall be omitted.

Schedule 6

33. Without prejudice to paragraph 1(2) of this Schedule, the enactments mentioned in Schedule 6 shall be limited to those which have effect in the Bailiwick of Jersey and, accordingly, there shall be omitted from Schedule 6 any reference to an Act other than the British Nationality Act 1948(a), the British Nationality Act 1958(b), the Commonwealth Immigrants Act 1962(c), the British Nationality Act 1965(d) and the Commonwealth Immigrants Act 1968(e).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends Parts I, III and IV of the Immigration Act 1971 to the Bailiwick of Jersey with exceptions, adaptations and modifications.

(a) 1948 c. 56.

(c) 1962 c. 21.

(e) 1968 c. 9.

(b) 1958 c. 10.

(d) 1965 c. 34.

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