

SCHEDULE 4

ENACTMENTS MODIFIED

Immigration Act 1971

- 1.—(1) In this paragraph “the 1971 Act” means the Immigration Act 1971(1).
- (2) In section 3 of the 1971 Act (general provision for regulation and control)(2)—
- (a) after subsection (4) insert—
- “(4A) For the purposes of subsection (4) above a person seeking to leave the United Kingdom through the tunnel system who is refused admission to France shall be treated as having gone to a country outside the common travel area.”; and
- (b) after subsection (7) insert—
- “(7A) Any reference in an Order in Council under subsection (7) above to embarking or being about to embark shall be construed as including a reference to leaving or seeking to leave the United Kingdom through the tunnel system.”.
- (3) In section 4 of the 1971 Act (administration of control)(3) in subsection (2)(b)—
- (a) for the words “the United Kingdom by ship or aircraft” substitute “, or seeking to arrive in or leave, the United Kingdom through the tunnel system”; and
- (b) for the words after “arrive as” substitute “members of the crews of through trains or shuttle trains”.
- (4) In section 8 of the 1971 Act (exceptions for seamen etc.) (4) in subsection (1)—
- (a) for the words from “of a ship” to “its crew” substitute “of a through train or shuttle train under an engagement requiring him to leave within seven days as a member of the crew of that or another such train”; and
- (b) for the words “departure of the ship or aircraft” substitute “departure of the through train or shuttle train”.
- (5) In section 11 of the 1971 Act (construction of references to entry etc.)—
- (a) in subsection (1)—
- (i) for the words “by ship or aircraft” substitute “through the tunnel system”, and
- (ii) for the words from “he disembarks” to “immigration officer” substitute—
- “(a) he leaves any control area designated under paragraph 26 of Schedule 2 to this Act, or
- (b) he remains on a through train after it has ceased to be such a control area”;
- (b) omit subsections (2) and (3); and
- (c) in subsection (4) omit the words after “section 1(3)”.
- (6) In section 13 of the 1971 Act (appeals against exclusion from United Kingdom)(5) in subsection (3) omit the words “at a port of entry and”.

(1) 1971 c. 77.

(2) Section 3 was amended by the British Nationality Act 1981 (c. 61), section 39(3) and (6) and Schedule 4 paragraphs 2 and 4, and by the Immigration Act 1988 (c. 14), sections 3(1) and 10 and Schedule, paragraph 1.

(3) Section 4 was amended by the British Nationality Act 1981, section 39(6) and Schedule 4 paragraph 2.

(4) Section 8 was amended by the British Nationality Act 1981, section 39(4) and (6) and Schedule 4 paragraphs 2 and 5, and by the Immigration Act 1988, section 4.

(5) Section 13 was amended by the British Nationality Act 1981, section 39(6) and Schedule 4 paragraph 3(1).

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- (7) In section 24 of the 1971 Act (illegal entry and similar offences)(6)—
- (a) in subsection (1)(f) for the words from “disembarks” to “aircraft” substitute “leaves a train in the United Kingdom”; and
 - (b) in subsection (1)(g) for the word “embarks” substitute “leaves or seeks to leave the United Kingdom through the tunnel system”.
- (8) In section 25 of the 1971 Act (assisting illegal entry and harbouring)(7)—
- (a) in subsection (3) after the words “immigration officer” insert “or a constable”;
 - (b) for subsection (6) substitute—
 - “(6) Where a person convicted on indictment of an offence under subsection (1) above is at the time of the offence—
 - (a) the owner or one of the owners of a through train, shuttle train or vehicle used or intended to be used in carrying out the arrangements in respect of which the offence is committed; or
 - (b) a director or manager of a company which is the owner or one of the owners of any such train or vehicle; or
 - (c) the train manager of any such train;then subject to subsections (7) and (8) below the court before which he is convicted may order the forfeiture of the train or vehicle.
 - In this subsection (but not in subsection (7) below)—
 - “owner” in relation to a train or vehicle which is the subject of a hire—purchase agreement includes the person in possession of it under that agreement, and in relation to a train, includes a charterer; and
 - “vehicle” includes a railway vehicle capable of being uncoupled from a train and a road vehicle carried on a train.”;
 - (c) in subsection (7)—
 - (i) for the words “ship or aircraft”, wherever occurring, substitute “train”,
 - (ii) omit paragraph (a), and
 - (iii) omit the words from “In this subsection” to “in respect of the aircraft”; and
 - (d) in subsection (8) for the words “ship, aircraft”, wherever occurring, substitute “train”.
- (9) In section 27 of the 1971 Act (offences by persons connected with ships etc.)—
- (a) in paragraph (a)—
 - (i) for the words “captain of a ship or aircraft” substitute “train manager of a through train or shuttle train”, and
 - (ii) in sub—paragraph (i) for the word “disembark” substitute “leave the train”;
 - (b) in paragraph (b)—
 - (i) for the words “as owner or agent of a ship or aircraft” substitute “as, or as agent of, a person operating an international service”,
 - (ii) in sub—paragraph (i) for the words from “the ship” to “port of entry” substitute “a through train to stop at a place other than a terminal control point”; and
 - (c) in paragraph (c)—

(6) Section 24 was amended by the British Nationality Act 1981, section 39(6) and Schedule 4 paragraph 2, and by the Immigration Act 1988, sections 6 and 10 and Schedule paragraph 10(3).

(7) Section 25 was amended by the British Nationality Act 1981, section 39(6) and Schedule 4 paragraph 6.

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- (i) for the words from “as owner” to “port” substitute “as, or as agent of, a person operating an international service, or as an occupier or person concerned with the management of a terminal control point”, and
 - (ii) for the words “the embarkation or disembarkation of passengers” substitute “persons arriving or seeking to arrive in, or leaving or seeking to leave, the United Kingdom through the tunnel system”.
- (10) In section 33 of the 1971 Act (interpretation)(8)—
 - (a) in subsection (1)—
 - (i) omit the definitions of “airport” and “port”,
 - (ii) in the definition of “crew” after the word “captain,” insert “and in relation to a through train or a shuttle train, means all persons on the train who are actually employed in its service or working, including the train manager,”, and
 - (iii) in the definition of “illegal entrant” after the words “unlawfully entering or seeking” insert “(whether or not he has arrived in the United Kingdom)”; and
 - (b) in subsection (3) omit the words “ports of entry for the purposes of this Act, and the”.
- (11) In Schedule 2 to the 1971 Act (administrative provisions as to control on entry etc.)(9)—
 - (a) in paragraph 1(4) and where first occurring in paragraph 1(5) for the words “ship or aircraft” substitute “through train or shuttle train”;
 - (b) in paragraph 1(5) for the words after “vehicle” substitute “which—
 - (a) is in a control zone in France within the tunnel system, or
 - (b) has arrived in, or is seeking to leave, the United Kingdom through the tunnel system.”;
 - (c) in paragraph 2(1) for the words from “in the United Kingdom” to “seeking to enter the United Kingdom)” substitute “, or who are seeking to arrive, in the United Kingdom through the tunnel system”;
 - (d) after paragraph 2(1) insert—
 - “(1A) The power conferred by sub—paragraph (1) is exercisable—
 - (a) as respects persons who have arrived in the United Kingdom, in a control area, and
 - (b) as respects persons seeking to arrive in the United Kingdom who may first be questioned to ascertain whether they are seeking to do so), in a control zone in France.”;
 - (e) in paragraph 2(3)—
 - (i) for the words “crew of a ship or aircraft” substitute “crew of a through train or shuttle train”,
 - (ii) after the words “joining a ship or aircraft” insert “or a shuttle train or through train”, and
 - (iii) after the words “intended ship or aircraft” insert “or train”;

(8) Section 33 was amended by the British Nationality Act 1981, section 39(6) and Schedule 4 paragraphs 2, 3(2) and 7, and by the Immigration Act 1988, section 10 and Schedule paragraph 5.

(9) Schedule 2 was amended by the British Nationality Act 1981, section 39(6) and Schedule 4 paragraphs 2 and 3(1), and by the Immigration Act 1988, section 10 and Schedule paragraphs 6 to 10.

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- (f) in paragraph 3(1) and (2) for the words “embarking or seeking to embark in the United Kingdom” substitute “leaving or seeking to leave the United Kingdom through the tunnel system”;
- (g) in paragraph 5—
 - (i) for the words from “requiring passengers” to “such passengers” substitute “requiring persons, or any class of persons, arriving in or leaving, or seeking to arrive in or leave, the United Kingdom through the tunnel system”, and
 - (ii) for the words after “and for requiring” substitute “persons operating international services to supply such cards to those persons.”;
- (h) in paragraph 8(1)—
 - (i) after the words “in the United Kingdom” insert “through the tunnel system”, and
 - (ii) for the words after “sub—paragraph (2) below” substitute “give the person operating the international service by which he arrived (“the carrier”) directions requiring the carrier—
 - (a) to remove him from the United Kingdom through the tunnel system; or
 - (b) to make arrangements for his removal from the United Kingdom in any ship or aircraft specified or indicated in the directions to a country or territory so specified, being either—
 - (i) a country of which he is a national or citizen; or
 - (ii) a country or territory in which he has obtained a passport or other document of identity; or
 - (iii) the country from which he departed for the United Kingdom; or
 - (iv) a country or territory to which there is reason to believe he will be admitted.”;
 - (i) after paragraph 8(1) insert—

“(1A) Where a person seeking to arrive in the United Kingdom through the tunnel system is refused leave to enter and is then in a control zone in France within the tunnel system, an immigration officer may give the Concessionaires directions requiring them to secure that the person is taken out of the control zone to a place where he may be accepted back by the competent French authorities as provided in Article 18 of the international articles.”;
- (j) in paragraph 8(2)(10)—
 - (i) for the words “sub—paragraph (1)(b) or (c)” substitute “sub—paragraph (1)”, and
 - (ii) for the words “the owners or agents in question” substitute “the carrier”;
- (k) in paragraph 9 for the words after “an immigration officer” substitute “may—
 - (a) if the illegal entrant has arrived in the United Kingdom, give such directions in respect of him as in a case within sub—paragraph (1) of paragraph 8 above are authorised by that sub—paragraph, or
 - (b) if the illegal entrant is in a control zone in France within the tunnel system, give such directions in respect of him as in a case within sub—paragraph (1A) of paragraph 8 above are authorised by that sub—paragraph.”;
- (l) in paragraph 10(1)—

(10) Paragraph 8(2) was amended by the Immigration Act 1988, section 10 and Schedule paragraph 9(1).

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- (i) omit the words from “either” to “or (b)”;
 - (ii) for the words “owners or agents of any ship or aircraft” substitute “person operating the international service by which he arrived”, and
 - (iii) for the words “paragraph 8(1)(c)” substitute “paragraph 8(1)”;
 - (m) in paragraph 11 after the words “ship or aircraft” insert “or through train or shuttle train”;
 - (n) in paragraph 13 omit sub—paragraph (1) and in sub—paragraph (2)—
 - (i) for the words “crew of a ship or aircraft, and either” substitute “crew of a through train or shuttle train, and”;
 - (ii) omit the words from “or (B)” to “do so”, and
 - (iii) for the words after “an immigration officer may” substitute—
 - “(a) give the train manager of the train in which that person (“the crew member”) arrived directions requiring the train manager to remove him from the United Kingdom in that train; or
 - (b) give the person operating the international service on which that train is engaged directions requiring that person to remove the crew member from the United Kingdom in any train specified or indicated in the directions, being a train engaged on that international service; or
 - (c) give that person directions requiring him to make arrangements for the removal of the crew member from the United Kingdom in any ship or aircraft or through train or shuttle train specified in the directions to a country or territory so specified, being either—
 - (i) a country of which he is a national or citizen; or
 - (ii) a country or territory in which he has obtained a passport or other document of identity; or
 - (iii) the country from which he departed for the United Kingdom; or
 - (iv) a country or territory in which he was engaged as a member of the crew of the through train or shuttle train in which he arrived in the United Kingdom; or
 - (v) a country or territory to which there is reason to believe he will be admitted.”;
 - (o) in paragraph 15 after the words “ship or aircraft” insert “or through train or shuttle train”;
 - (p) in paragraph 16—
 - (i) in sub—paragraph (2) for the words “his removal in pursuance of” substitute “the taking of any action in respect of him required by”;
 - (ii) for sub—paragraph (3) substitute—
 - “(3) A person may under the authority of an immigration officer be removed for detention under this paragraph—
 - (a) from a vehicle in a control zone in the tunnel system in France; or
 - (b) from a train or vehicle in which he arrives in the United Kingdom through the tunnel system.”
- , and
- (iii) after sub—paragraph (4) insert—

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- “(5) Where a person has under paragraph 11 or 15 above been placed on a through train or shuttle train sub—paragraph (4) of this paragraph has effect with the substitution—
- (a) for the word “captain”, wherever occurring, of the words “train manager”; and
 - (b) for the words “ship or aircraft”, wherever occurring, of the word “train”; and
 - (c) for the word “disembarking”, of the words “leaving the train.”;”
- (q) in paragraphs 19(1) and 20(1) for the words “owners or agents of the ship or aircraft in” substitute “person operating the international service by”; and
- (r) for paragraphs 26 and 27 substitute—

“**26.**—(1) Persons operating international services shall not, without the approval of the Secretary of State, arrange for any through train to stop for the purpose of enabling passengers to leave it except at a terminal control point.

(2) The Secretary of State may from time to time give written notice to persons operating international services designating all or any through trains as control areas while they are within any area in the United Kingdom specified in the notice or while they constitute a control zone.

(3) The Secretary of State may from time to time give written notice designating a control area—

- (a) to the Concessionaires as respects any part of the tunnel system in the United Kingdom or of a control zone within the tunnel system in France, or
- (b) to any occupier or person concerned with the management of a terminal control point in the United Kingdom.

(4) A notice under sub—paragraph (2) or (3) above may specify conditions and restrictions to be observed in a control area, and any person to whom such a notice is given shall take all reasonable steps to secure that any such conditions or restrictions are observed.

27.—(1) The train manager of a through train or shuttle train arriving in the United Kingdom—

- (a) shall take such steps as may be necessary to secure that persons, other than members of the crew who may lawfully enter the United Kingdom by virtue of section 8(1) of this Act, do not leave the train except in accordance with any arrangements approved by an immigration officer; and
- (b) where persons are to be examined by an immigration officer on the train, shall take such steps as may be necessary to secure that they are ready for examination.

(2) The Secretary of State may by order made by statutory instrument make provision for train managers of through trains or shuttle trains arriving in the United Kingdom to furnish to immigration officers—

- (a) in the case of a through train, a passenger list showing the names and nationality or citizenship of passengers arriving in the train;
- (b) in any case, particulars of members of the crew of the train;

and for enabling an immigration officer to dispense with the furnishing of any such list or particulars.”.

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- (12) In Schedule 3 to the 1971 Act (supplementary provisions as to deportation)(11)—
- (a) in paragraph 1(1) after the words “any person” insert “who arrived in the United Kingdom through the tunnel system”;
 - (b) in paragraph 1(2) after sub—paragraph (b) insert—
 - “(bb) directions to the person operating the international service by which the person in question arrived (“the carrier”) requiring the carrier to make arrangements for the removal of the person in question through the tunnel system; or”; and
 - (c) in paragraph 1(4) after the word “voyage” insert “or journey”.

(11) Schedule 3 was amended by the Criminal Justice Act 1982 (c. 48), section 64 and Schedule 10, and by the Immigration Act 1988, section 10 and Schedule paragraph 10(2).