
STATUTORY INSTRUMENTS

1998 No. 1070

IMMIGRATION

The Asylum and Immigration Act 1996 (Jersey) Order 1998

Made - - - - 22nd April 1998

Coming into force - - 22nd June 1998

At the Court at Windsor Castle, the 22nd day of April 1998

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 13(5) of the Asylum and Immigration Act 1996(1), 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 Asylum and Immigration Act 1996 (Jersey) Order 1998 and shall come into force on 22nd June 1998.

2. In this Order, “the 1971 Act” means the Immigration Act 1971(2).

3. Sections 4, 5, 7, 12(1), 13(1) and (2) of, and paragraphs 1, 2, 4 to 6, 8 to 10 and 13 of Schedule 2 to, the Asylum and Immigration Act 1996, shall extend to the Bailiwick of Jersey with the modifications specified in the Schedule to this Order, being modifications that appear to Her Majesty to be appropriate.

N. H. Nicholls
Clerk of the Privy Council

(1) 1996 c. 49.

(2) 1971 c. 77; the Act was extended to Jersey by the Immigration (Jersey) Order 1993 (S.I. 1993/1797).

SCHEDULE

Article 3

MODIFICATIONS OF PROVISIONS OF THE ASYLUM AND IMMIGRATION ACT 1996 IN THEIR EXTENSION TO JERSEY

1. In section 4 (amending section 24(1) of the 1971 Act), for “United Kingdom” substitute “Bailiwick of Jersey”.
2. In section 5 (amending section 25 of the 1971 Act)—
 - (a) in subsection (1), for “United Kingdom”, in each place where it occurs, substitute “Bailiwick of Jersey”; and
 - (b) in subsection (2), for “for asylum (within the meaning of the Asylum and Immigration Appeals Act 1993)” substitute “that it would be contrary to the obligations of the United Kingdom in respect of the Bailiwick of Jersey under the Convention relating to the status of refugees done at Geneva on 28th July 1951 and the Protocol to that Convention for him to be removed from, or required to leave, the Bailiwick of Jersey”.
3. In section 7—
 - (a) in subsection (1), for “constable” substitute “police officer”;
 - (b) in subsection (2)—
 - (i) in paragraph (a), for “a justice of the peace” substitute “the Bailiff”;
 - (ii) for “; or” substitute a comma;
 - (iii) omit paragraph (b); and
 - (iv) for “constable” substitute “police officer”; and
 - (c) omit subsection (3).
4. In section 12(1), omit “and a related amendment of the Immigration Act 1988”.
5. In section 13(2), after “the Immigration Act 1971” insert “as extended to the Bailiwick of Jersey by the Immigration (Jersey) Order 1993”; omit the definition of “the 1993 Act”; and, in the definition of “person subject to immigration control”, for “United Kingdom” substitute “Bailiwick of Jersey”.
6. In paragraph 1 of Schedule 2—
 - (a) in sub-paragraph (1) (amending section 3 (1) of the 1971 Act), for “United Kingdom”, in both places where it occurs, substitute “Bailiwick of Jersey”; and for “with the police” substitute “as provided by an order made under section 4(3) below”; and
 - (b) omit sub-paragraph (3).
7. In paragraph 4 of Schedule 2 (amending section 33 of the 1971 Act)—
 - (a) in sub-paragraph (1), for “United Kingdom” substitute “Bailiwick of Jersey”; and
 - (b) omit sub-paragraph (2).
8. In paragraph 5(2)(b) of Schedule 2 (amending paragraph 4(3) of Schedule 2 to the 1971 Act), for “United Kingdom” substitute “Bailiwick of Jersey”.
9. In paragraph 6 of Schedule 2 (amending paragraph 9 of Schedule 2 to the 1971 Act), for “United Kingdom” substitute “Bailiwick of Jersey”.
10. In paragraph 10 of Schedule 2 (amending paragraph 21 of Schedule 2 to the 1971 Act), for “United Kingdom”, in both places where it occurs, substitute “Bailiwick of Jersey”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to the Bailiwick of Jersey sections 4, 5, 7, 12(1), 13(1) and (2) of, and paragraphs 1, 2, 4 to 6, 8 to 10 and 13 of Schedule 2 to, the Asylum and Immigration Act 1996 with the modifications specified in the Schedule to this Order. Sections 4, 5 and 12(1), and the above paragraphs of Schedule 2, provide for amendments to provisions of the Immigration Act 1971 which were extended to the Bailiwick of Jersey by the Immigration (Jersey) Order 1993 (S.I.1993/1797).