

SCHEDULE 2

Article 11(1)

MODIFICATION OF APPLIED ENACTMENTS

Immigration Act 1971

1.—(1) In section 4 of the 1971 Act (administration of control) in subsection (2)— for the words “the United Kingdom by ship or aircraft” substitute “, or seeking to arrive in, the United Kingdom by entering a Control Zone”.

(2) In section 33 of the 1971 Act (interpretation) in subsection (1)—

(i) after the definition of “certificate of entitlement” insert—

““Control Zone” means a Control Zone in France in which immigration officers exercise immigration control pursuant to the Treaty between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic concerning the Implementation of Frontier Controls at the Sea Ports of Both Countries on the Channel and North Sea;” and

(ii) in the definition of “illegal entrant” after the words “unlawfully entering or seeking” insert “(whether or not he has arrived in the United Kingdom)”.

(3) In Schedule 2 to the 1971 Act (administrative provisions as to control on entry etc)—

(a) in paragraph 1(5) for the words after “vehicle” substitute “which is in a Control Zone.”;

(b) 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 by entering a Control Zone”;

(c) after paragraph 2(1) insert—

“(1A) The power conferred by sub-paragraph (1) is exercisable 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, but where it has not been possible to examine such persons in a Control Zone then the power conferred by sub-paragraph (1) shall apply.”;

(d) after paragraph 8(1) insert—

“(1A) Where a person seeking to arrive in the United Kingdom is refused leave to enter and is then in a Control Zone, an immigration officer may request the competent French authorities to secure that the person is taken out of the Control Zone.”;

(e) in paragraph 9(1) 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, make such requests in respect of him as in a case within sub-paragraph (1A) of paragraph 8 above are authorised by that sub-paragraph.”;

(f) in paragraph 16—

(a) in sub-paragraph (2) for the words “his removal in pursuance of” substitute “the taking of any action in respect of him pursuant to any request made to the competent French authorities authorised under paragraph 8(1A)”;

(b) after sub-paragraph (3) insert—

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“(3A) A person may under the authority of an immigration officer be removed for detention under this paragraph from a vehicle in a Control Zone.”; and

(g) for paragraph 26(2) and (3) there is substituted—

“(2) The Secretary of State may from time to time give written notice to the owners or agents of ships designating control areas for the embarkation of passengers in a Control Zone and specifying the conditions and restrictions (if any) to be observed in any control area; and where by notice given to any owners or agents a control area is for the time being designated for the embarkation of passengers in a Control Zone, the owners or agents shall take all reasonable steps to secure that, in the case of their ships, passengers do not embark in the Control Zone outside the control area and that any conditions or restrictions notified to them are observed.

(3) The Secretary of State may also from time to time give to any persons concerned with the management of a port in a Control Zone written notice designating control areas in the Control Zone and specifying conditions or restrictions to be observed in any control area; and any such person shall take all reasonable steps to secure that any conditions or restrictions as notified to him are observed.”.

The Terrorism Act 2000

2.—(1) In Schedule 7 to the Terrorism Act 2000—

(a) in paragraph 1—

(i) in sub-paragraph (1)(a), insert at the beginning “subject to sub-paragraph (1A),”;

(ii) omit sub-paragraph (1)(c),

(iii) after sub-paragraph (1) insert—

“(1A) A constable shall only exercise the powers in this Schedule in a Control Zone where an immigration officer has made a request to a police officer of the rank of sergeant or above in the same police force of which the constable is a member, for assistance in exercising the powers in question in a particular case, and any such request shall be recorded in writing at the time it is made or as soon as practicable afterwards.”;

(iv) for sub-paragraph (2) substitute—

“In this Schedule “Control Zone” means a Control Zone in France in which immigration officers exercise immigration control pursuant to the Treaty between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic concerning the Implementation of Frontier Controls at the Sea Ports of Both Countries on the Channel and North Sea.”; and

(v) omit sub-paragraph (3);

(b) in paragraph 2—

(i) for sub-paragraph (2) substitute “This paragraph applies to a person if he is in a Control Zone.”; and

(ii) omit sub-paragraph (3);

(c) omit paragraphs 3 and 4;

(d) in paragraph 5 omit the words “or 3”;

(e) in paragraph 6, omit the words “or 3” and in sub-paragraph (2) the word “aircraft”;

(f) in paragraph 7, omit the words “or aircraft” in each place where they occur;

- (g) in paragraph 8, in sub-paragraph (1) omit the words “or aircraft” in each place where they occur and omit sub-paragraph (2);
 - (h) in paragraph 9—
 - (i) for sub-paragraph (2) substitute “This paragraph applies to goods which have arrived in or are about to leave a Control Zone on a ship or in a vehicle.”, and
 - (ii) in sub-paragraph (4) omit the words “or aircraft”; and
 - (i) omit paragraphs 12 to 17 and the Table of Designated Ports at the end of the Schedule”.
- (2) In Schedule 8 to the Terrorism Act 2000—
- (a) in paragraph 1—
 - (i) in sub-paragraph (1), omit the words “or section 41”, and
 - (ii) omit sub-paragraphs (2), (4) and (6);
 - (b) in paragraph 2, omit sub-paragraph (2)(b) and (c); and
 - (c) omit paragraphs 3, 4 and 6 to 37.
- (3) In Schedule 14 to the Terrorism Act 2000—
- (a) in paragraph 1, omit sub-paragraph (a);
 - (b) in paragraph 2, after the word “may” insert “in a Control Zone (as defined in Schedule 7)” and omit “(within the meaning of section 121)”; and
 - (c) in paragraph 3, omit the words “and 3”.

The Code of Practice for examining officers under the Terrorism Act 2000

3. In the Code of Practice for examining officers under the Terrorism Act 2000
- (a) in paragraph 3—
 - (i) omit the words “or customs officer designated for the purpose of the Schedule by the Secretary of State and the Commissioners of Customs and Excise”,
 - (ii) omit the words “or designated customs officers” and
 - (iii) omit the words from “or the Customs and Excise Management Act 1979” to the end of that paragraph;
 - (b) for paragraph 4 substitute—
 - ““Control Zone” means a Control Zone in France in which immigration officers exercise immigration control in pursuance of the Treaty between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic concerning the Implementation of Frontier Controls at the Sea Ports of Both Countries on the Channel and North Sea
 - A “juvenile” means anyone who appears to be under the age of 17 in the absence of clear evidence that he/she is older.”;
 - (c) in paragraph 5, for the words “at ports or in the border area” substitute “in the Control Zone” and omit “and customs officers”;
 - (d) for paragraph 6 substitute—

“The functions under the Schedule and under Schedules 8 and 14 of the Act should only be carried out by a constable in a Control Zone where an immigration officer makes a request to a police officer of the rank of sergeant or above in the police force of which the constable is a member, for assistance in exercising the powers in question in a particular case, and any such request shall be recorded in writing at the time it is made or as soon as practicable afterwards.”;

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- (e) for paragraph 7 substitute “The power to examine someone under the Schedule applies to a person who is in a Control Zone.”;
- (f) omit paragraph 8 and the Note for guidance on paragraph 8;
- (g) in the Note for guidance on paragraph 10—
 - (i) for the words “under the port and border area powers” and “at the port or the area” substitute in each case “in the Control Zone”, and
 - (ii) for the words “at individual ports or parts of the border area” substitute “within the Control Zone”;
- (h) in paragraph 12, omit the words “at the port, or in the border area, a police station”;
- (i) in paragraph 13, for the words “at the port or at a specified police station” and “at the port or, in the border area, at a police station” substitute “in the Control Zone”;
- (j) in the Note for guidance on paragraph 13, for the words “at a port or at a police station in the border area” substitute “in the Control Zone”;
- (k) in paragraph 14, omit the words “(or in Scotland, a child)” and “/child”;
- (l) in paragraph 19, for the words “at the port or, in the case of the border area, that location” substitute “in the Control Zone”;
- (m) in paragraph 21, omit the words from “; and should bear in mind that people travelling to and from Northern Ireland” to the end of that paragraph;
- (n) omit the Note for guidance on paragraph 23;
- (o) in paragraph 29, for the words “at the port” substitute “in the Control Zone”;
- (p) paragraphs 33 and 34 shall be omitted; and
- (q) in the Annex—
 - (i) for the words in the first set of square brackets substitute “in the Control Zone” and omit the words in the second set of square brackets, and
 - (ii) omit the paragraph beginning “You may also be asked, or have been asked”.

The Immigration (Leave to Enter and Remain) Order 2000

- 4. In the Immigration (Leave to Enter and Remain) Order 2000—
 - (a) in article 1(3), after the definition of “control port” insert—

““Control Zone” means a Control Zone in France in which immigration officers exercise immigration control in pursuance of the Treaty between the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic concerning the Implementation of Frontier Controls at the Sea Ports of Both Countries on the Channel and North Sea;”;
 - (b) in article 4(2)—
 - (i) after the words “arrives in the United Kingdom”, insert “or enters a Control Zone”,
 - (ii) after the words “before arrival”, insert “or entry into the Control Zone”, and
 - (iii) after the words “date of arrival”, insert “or entry into the Control Zone”;
 - (c) in article 4(3)—
 - (i) after the words “on arrival in the United Kingdom”, insert “or entry into a Control Zone”, and
 - (ii) after the words “before arrival”, insert “or entry into the Control Zone”; and

- (d) in article 6(2)(a) after the words “arrives in the United Kingdom”, insert “or enters a Control Zone”.

The Immigration (European Economic Area) Regulations 2000

5. In the Immigration (European Economic Area) Regulations 2000—

- (a) in regulation 2, at the beginning insert—

““Control Zone” means a Control Zone in France in which immigration officers exercise immigration control in pursuance of the Treaty between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic concerning the Implementation of Frontier Controls at the Sea Ports of Both Countries on the Channel and North Sea;”;

- (b) after regulation 12(2) insert—

“(3) Any passport, identity card, family permit, residence document or document proving family membership which is required to be produced under this regulation as a condition for admission to the United Kingdom (“the required documents”) may, for the same purpose, be required to be produced in a Control Zone.”; and

- (c) in regulation 21(2) after the word “arrival”, in regulation 22(3) after the words “EEA national”, and in regulation 22(4) after the words “United Kingdom”, insert “or the time of his production of the required documents in a Control Zone”.