

**2012 No. 1763**

**IMMIGRATION**

**The Immigration (Jersey) Order 2012**

*Made* - - - - *10th July 2012*

*Coming into force in accordance with article 1*

At the Court at Windsor Castle, the 10th day of July 2012

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 63(3) of the Immigration, Asylum and Nationality Act 2006(a) and section 170(7) of the Immigration and Asylum Act 1999(b), is pleased, by and with the advice of Her Privy Council, to make the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Immigration (Jersey) Order 2012 and shall come into force seven days after the day on which it is registered by the Royal Court of Jersey.

(2) In this Order—

“the 1971 Act” means the Immigration Act 1971(c);

“the 1999 Act” means the Immigration and Asylum Act 1999; and

“Jersey” means the Bailiwick of Jersey.

(3) For the purposes of construing provisions of the 1971 Act as part of the law of Jersey, any reference to an enactment which extends to Jersey shall be construed as a reference to that enactment as it has effect in Jersey.

**Extension and modification**

2. Sections 31, 32, 34 and 39 of the Immigration, Asylum and Nationality Act 2006 shall extend to Jersey subject to the exceptions and modifications specified in the right-hand column of Schedule 1.

3. Section 18 of the 1999 Act(d) shall be modified in its extension to Jersey as specified in Schedule 2.

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(a) 2006 c.13. By virtue of section 63(3A), inserted by section 54(7) of the Police and Justice Act 2006 (c.48), the power in section 63(3) to extend 2006 c.13 to territories covered by it includes both extension with the amendments and repeals made by 2006 c.48 and extension without those amendments and repeals.

(b) 1999 c.33.

(c) 1971 c.77.

(d) Section 18 of the 1999 Act was previously extended with modifications to Jersey by the Immigration and Asylum Act 1999 (Jersey) Order 2003 S.I. 2003/1252.

## SCHEDULE 1

Article 2

### Exceptions and modifications of sections 31, 32, 34 and 39 of the Immigration, Asylum and Nationality Act 2006 as they extend to Jersey

<i>Provision</i>	<i>Exceptions and Modifications</i>
Section 31 (provision of information to immigration officers)(a) (amending paragraphs 27 and 27B of Schedule 2 to and section 27 of the 1971 Act)	(a) for “United Kingdom” in each place it occurs, substitute “Bailiwick of Jersey”;  (b) in subsection (2)—  (i) in the substituted subparagraph (2), for “Secretary of State may by order require” substitute “Lieutenant-Governor may by directions require”;  (ii) in the substituted subparagraphs (3) and (5), for “An order” substitute “Directions”;  (iii) at the end of the substituted subparagraph (5)(b), insert “and”;  (iv) for the substituted subparagraph 5(c), substitute “may require information to be provided to the immigration officer or as the immigration officer directs.”; and  (v) omit the substituted subparagraph (5)(d); and  (c) in subsection (3), in the inserted subparagraph (9A) after the word “specified” insert “by the Lieutenant-Governor”.

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(a) Section 31 amends paragraphs 27 and 27B of Schedule 2 to the Immigration Act 1971 (c. 77). Paragraph 27 was extended to Jersey, with exceptions and modifications, by the Immigration (Jersey) Order 1993 (S.I. 1993/1797). Paragraph 27B was extended to Jersey, with exceptions and modifications, by the Immigration and Asylum Act 1999 (Jersey) Order 2003 (S.I. 2003/1252).

Section 32  
(passenger and crew information:  
police powers)

- (a) for “United Kingdom”, in each place it occurs, substitute “Bailiwick of Jersey”;
- (b) in subsection (2), for “constable of the rank of superintendent or above” substitute “police officer of the rank of chief inspector or above”;
- (c) for subsection (4), substitute—

“(4) A police officer may impose a requirement under subsection (2) only if he thinks it necessary for police purposes.”;
- (d) in subsection (5)(a), for “by order of the Secretary of State” substitute “by Order of the Minister for Home Affairs”;
- (e) for subsection 5(b), substitute—

“(b) “police purposes” means any of the following—

  - (i) the prevention, detection, investigation or prosecution of criminal offences;
  - (ii) safeguarding national security;
  - (iii) such other purposes as may be specified by Order of the Minister for Home Affairs,”;
- (f) for subsection (5)(c), substitute—

“(c) “police officer” means a member of the States of Jersey Police Force, and
- (d) “ship” includes—
  - (i) every description of vessel used in navigation, and
  - (ii) hovercraft.”;
- (g) in subsection (7)—
  - (i) for “The Secretary of State may make an order” substitute “The Minister for Home Affairs may make an Order”; and
  - (ii) for “(within the meaning of the Human Rights Act 1998 (c 42))” substitute “(within the meaning of the Human Rights (Jersey) Law 2000)”;

- (h) in subsection (8)—
  - (i) for “order” substitute “Order”;
  - (ii) at the end of subsection 8(b), insert “and”;
  - (iii) at the end of subsection 8(c), for “,” substitute “.”; and
  - (iv) omit subsections (8)(d) and (e); and
- (i) after subsection (8), insert—
 

“(9) The Subordinate Legislation (Jersey) Law 1960 shall apply to Orders under subsection (5).”

Section 34  
(Offence)

- (a) in subsection (1), “omit or 33(2)”;
- (b) omit subsection (2);
- (c) in subsection (3), omit “on summary conviction”;
- (d) in subsection (3)(a), for “not exceeding 51 weeks in England and Wales or 6 months in Scotland or Northern Ireland” substitute “not exceeding 6 months”; and
- (e) for subsection (4) substitute—
 

“(4) In subsection (3) the reference to the standard scale means the standard scale for the time being in the Schedule to the Criminal Justice (Standard Scale of Fines)(Jersey) Law 1993.”

Section 39  
(Disclosure to law enforcement agencies)

- (a) in subsection (1)—
  - (i) for “A chief officer of police” substitute “The Chief Officer of the States of Jersey Police Force”; and
  - (ii) omit “or 33”; and
  - (iii) for paragraph (a), substitute—
 

“(a) a police force in the United Kingdom;”;
- (b) in subsection (2), for “the United Kingdom”, in each place it occurs, substitute “the British Islands”; and

(c) omit subsection (3).

## SCHEDULE 2

Article 3

### Modification of section 18 of the Immigration and Asylum Act 1999 in its extension to Jersey

1. In section 18 of the 1999 Act (passenger information), in the inserted paragraph 27B(2), after “that information to the officer” insert “or as the officer directs”.

#### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order extends to Jersey, with modifications, sections 31, 32, 34 and 39 of the Immigration, Asylum and Nationality Act 2006. It also further modifies section 18 of the Immigration and Asylum Act 1999 which was previously extended to Jersey with modifications by the Immigration and Asylum Act (Jersey) Order 2003 (SI 2003/1252).

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STATUTORY INSTRUMENTS

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