

2015 No. 1532

IMMIGRATION

The Immigration (Jersey) Order 2015

Made - - - - - *15th July 2015*

Coming into force in accordance with article 1

At the Court at Buckingham Palace, the 15th day of July 2015

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 76(6) of the Immigration Act 2014(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 2015 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 2006 Act” means the Immigration, Asylum and Nationality Act 2006;

“the 2014 Act” means the Immigration Act 2014; 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.—(1) Sections 27 and 42 of the 2006 Act shall extend to Jersey subject to the modifications specified in the right-hand column of Schedule 1 to this Order.

(2) The following provisions of the 2014 Act namely—

(a) sections 67 and 73(6),

(b) Schedule 8, and

(c) Parts 1 and 10 of Schedule 9,

(a) 2006 c. 13.
(b) 2014 c. 22.
(c) 1971 c. 77.

shall extend to Jersey subject to the modifications (if any) specified in the right-hand column of Schedule 2 to this Order.

(3) For the avoidance of doubt, the amendments made to the 1971 Act by sections 67 and 73(6) of, and Schedule 8 and Parts 1 and 10 of Schedule 9 to, the 2014 Act, as extended to Jersey by paragraph (2) of this article, are amendments made to the 1971 Act as amended by sections 27 and 42 of the 2006 Act as extended to Jersey by paragraph (1) of this article.

Richard Tilbrook
Clerk of the Privy Council

SCHEDULE 1

Article 2(1)

Modifications of sections 27 and 42 of the Immigration, Asylum and Nationality Act 2006 as those sections extend to Jersey

<i>Provision</i>	<i>Modifications</i>
Section 27 (<i>Documents produced or found</i>)	(a) In the substituted paragraph 4(4)(b) for “the United Kingdom” substitute “the Bailiwick of Jersey”; (b) In the substituted paragraph 4(4)(c) omit “in respect of an appeal under the Immigration Acts or”
Section 42 (<i>Information: embarking passengers</i>)	In subsection (2) for “the United Kingdom” wherever it occurs substitute “the Bailiwick of Jersey”.

SCHEDULE 2

Article 2(2)

Modifications of sections 67 and 73(6) of, and Schedule 8 and Parts 1 and 10 of Schedule 9 to, the Immigration Act 2014 as those provisions extend to Jersey

<i>Provision</i>	<i>Modifications</i>
Schedule 8 Paragraph 4 (<i>Embarkation cards</i>) (amending paragraph 5 of Schedule 2 to the 1971 Act)	In sub-paragraph (3) for “United Kingdom” substitute “Bailiwick of Jersey”.
Paragraph 5 (<i>Designations</i>) (inserting new paragraph 5A of Schedule 2 to the 1971 Act)	In the inserted paragraph 5A— (a) for “Secretary of State” wherever it appears substitute “Minister”;

- (b) after sub-paragraph (5) insert—
 - “(5A) When the Minister designates a person under this paragraph or withdraws or varies such a designation, he shall inform the Lieutenant-Governor.”.
- (c) after sub-paragraph (6) insert—
 - “(7) In this Schedule “Minister” means Minister for Home Affairs.”.

Paragraph 6
(Directions to carriers and operators of ports)
 (inserting new paragraph 5B of Schedule 2 to the 1971 Act)

In the inserted paragraph 5B for “Secretary of State” in sub-paragraph (1) substitute “Minister”;

Schedule 9
 Part 1
(Provision relating to removal)

- (a) in paragraph 1 for “Secretary of State” substitute “Lieutenant-Governor”.
- (b) omit paragraphs 2 to 7 (inclusive)

Part 10
(Provision relating to embarkation checks)

In sub-paragraph (3) after “comes into force” insert “in the Bailiwick of Jersey”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to Jersey, with modifications –

- (a) sections 27 and 42 of the Immigration, Asylum and Nationality Act 2006 (“the 2006 Act”); and
- (b) section 67 of, and Schedule 8 and Parts 1 and 10 of Schedule 9 to, the Immigration Act 2014 (“the 2014 Act”).

The provisions of the 2006 Act extended make provision as regards –

- (i) detention and examination of passports and other documents produced by passengers, or found on them, while being examined under the Immigration Acts and powers to require passengers to provide biometric information; and
- (ii) extended powers of examination and detention on embarkation.

The provisions of the 2014 Act extended make provision to enable embarkations checks to be made by designated persons (other than immigration officers).

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