

SCHEDULE 1A

Article 2

Provisions of the Immigration and Asylum Act 1999 as extended to Guernsey

Provision as extended to Guernsey

144 Other methods of collecting data about physical characteristics

(1) The States of Guernsey Committee for Home Affairs may make regulations containing provisions equivalent to sections 141, 142 and 143 in relation to such other methods of collecting biometric information as may be prescribed.

(2) “Biometric information” has the meaning given by section 15 of the UK Borders Act 2007.

(3) Regulations under this Act -

(a) may be amended or repealed by subsequent regulations made under this Act,

(b) may contain such consequential, incidental, supplemental and transitional provision as may appear to the Committee to be necessary or expedient, and

(c) must be laid before a meeting of the States of Deliberation as soon as possible and, if at that or the next meeting the States of Deliberation resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

(4) Any power conferred by this Act to make regulations may be exercised—

(a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases;

(b) so as to make, as respects the cases in relation to which it is exercised—

(i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise);

(ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes;

(iii) any such provision either unconditionally or subject to any conditions specified in the regulations.

144A Use and retention of fingerprints etc

(1) Section 8 of the UK Borders Act 2007 (power to make regulations about use and retention of biometric information) applies to —

(a) fingerprints taken by virtue of section 141, and

(b) biometric information taken by virtue of regulations under section 144,

as it applies to biometric information provided in accordance with regulations under section 5(1) of that Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(2) Regulations made by virtue of subsection (1)(a) must require fingerprints taken from a person (“F”) by virtue of section 141(7)(f) to be destroyed when fingerprints taken from the person whose dependant F is are destroyed.

(3) Regulations made by virtue of subsection (1)(b) must make equivalent provision in relation to the destruction of biometric information taken by virtue of any provision of regulations under section 144 which is equivalent to section 141(7)(f).

145 Codes of practice

(1) An immigration officer exercising any prescribed power to—

(a) arrest, question, search or take fingerprints from a person,

(b) enter and search premises, or

(c) seize property found on persons or premises,

must have regard to such provisions of a code as may be prescribed.

(2) Subsection (1) also applies to an authorised person exercising the power to take fingerprints conferred by section 141.

(2A) A person exercising a power under regulations made by virtue of section 144 must have regard to such provisions of a code as may be prescribed.

(3) Any prescribed provision of a code may have effect for the purposes of this section subject to such modifications as may be prescribed.

(4) “Prescribed” means prescribed by regulations made by the States of Guernsey Committee for Home Affairs.

(5) “Authorised person” has the same meaning as in section 141.

(6) “Code” means any code of practice for the time being in force under the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003 or the Police and Criminal Evidence Act 1984.

146 Use of force

(1) An immigration officer exercising any power conferred on him by the Immigration Acts may, if necessary, use reasonable force.

(2) Without limiting the generality of subsection (1), a person exercising a power under any of the following may if necessary use reasonable force—

(a) section 141 or 142 of this Act, or

(b) regulations under section 144 of this Act.
