GUERNSEY STATUTORY INSTRUMENT

2004 No. 49

THE IMMIGRATION (REMOVAL DIRECTIONS) (GUERNSEY) REGULATIONS 2004

Made: 29th November 2004

Laid before the States:

Coming into force: 29th November 2004

The Home Department, in exercise of the powers conferred upon it by sections 10 and 167 of the Immigration and Asylum Act 1999 as extended to the Bailiwick of Guernsey by the Immigration and Asylum Act 1999 (Guernsey) Order 2003, hereby makes the following Regulations:-

Interpretation

1. - (1) In these Regulations-

   (a) **"the Act"** means the Immigration and Asylum Act 1999 as extended to the Bailiwick of Guernsey by the Immigration and Asylum Act 1999 (Guernsey) Order 2003;
   (b) **"aircraft"** includes hovercraft;
   (c) **"captain"** means master (of a ship) or commander (of an aircraft);
   (d) **"ship"** includes every description of vessel used in navigation; and
   (e) **"prescribed"** means prescribed by regulations made by the Home Department.

   (2) In these Regulations, a reference to a section number is a reference to a section of the Act.

Persons to whom directions may be given

2.   For the purpose of section 10(6)(a) classes of person to whom directions may be given), the following classes of person are prescribed-

   (a) owners of ships;
   (b) owners of aircraft;
   (c) agents of ships;
   (d) agents of aircraft;
   (e) captains of ships about to leave the Bailiwick of Guernsey; and
   (f) captains of aircraft about to leave the Bailiwick of Guernsey.

Requirements that may be imposed by directions

3. - (1) For the purposes of section 10(6)(b) (requirements may be imposed by directions), the following kinds of requirements are prescribed-

(a) in the case where directions are given to a captain of a ship or aircraft about to leave the Bailiwick of Guernsey, a requirement to remove the relevant person from the Bailiwick of Guernsey in the ship or aircraft;

(b) in the case where directions are given to any other person who falls within a class prescribed in regulation 2, a requirement to make arrangements for the removal of the relevant person in a ship or aircraft specified or indicated in the directions; and

(c) in all cases, a requirement to remove the relevant person in accordance with arrangements to be made by an immigration officer.

(2) Paragraph (1) only applies if the directions specify that the relevant person is to be removed to a country or territory being-
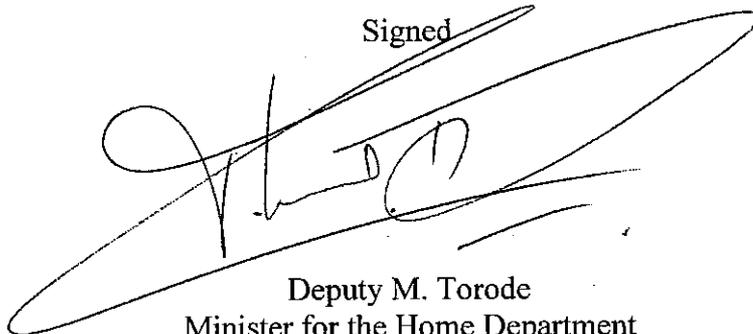
(i) a country of which he is a national or citizen; or

(ii) a country or territory to which there is reason to believe that he will be admitted.

(3) "Relevant person" means a person who may be removed from the Bailiwick of Guernsey in accordance with section 10(1).

Commencement.

4. These Regulations shall come into force on 29th November 2004.

Signed

Deputy M. Torode
Minister for the Home Department

29th November 2004

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 10 makes provision for the removal of non-British citizens who have stayed beyond the time for which they were given leave to enter or remain, have breached a condition of their leave to enter or remain or have obtained leave to remain by deception. Non-British citizen family members of such persons may also be removed under section 10. Removal under section 10 is affected by the giving of removal directions, and these Regulations set out the classes of person to whom removal directions may be given and the requirements that the removal directions may make of them.

The persons who are liable to removal under section 10 were, until 29th November 2004, liable to be deported. The classes of person to whom removal directions may be given when a deportation order is in force, and the requirements that the removal directions may make of them, are set out in paragraph 1(1) of Schedule 3 to the Immigration Act 1971 (as extended). These Regulations mirror the effect of that provision.