

ORDINANCE
OF THE STATES OF DELIBERATION

ENTITLED

The Immigration (Registration of Aliens) (Guernsey)
Ordinance, 1972 *

[CONSOLIDATED TEXT]

NOTE

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* Recueil d'Ordonnances Tome XVIII, p. 225; as amended by the Immigration (Registration of Aliens) (Amendment) (Guernsey) Ordinance, 1975 (Recueil d'Ordonnances Tome XX, p. 221); the Immigration (Registration of Aliens) (Amendment) (Guernsey) Ordinance, 1979 (Recueil d'Ordonnances Tome XXI, p. 186); the Immigration (Registration of Aliens) (Amendment) (Guernsey) Ordinance, 1980 (Recueil d'Ordonnances Tome XXI, p. 520); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). See also the Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207).

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ARRANGEMENT OF SECTIONS

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SCHEDULE Particulars to be entered in Register.

(Made on the 14th December, 1972.)

The Immigration (Registration of Aliens) (Guernsey) Ordinance, 1972

THE STATES, in exercise of the powers conferred upon them by subsection (3) of section four of the Immigration Act 1971 as extended to the Bailiwick by the Immigration (Guernsey) Order 1972, hereby order: –

Application of Ordinance.

1. This Ordinance shall apply in the case of an alien who has a limited leave to enter or remain in the Bailiwick which is for the time being subject to a condition requiring him to register in accordance with the provisions of this Ordinance and in the case of an alien who, by virtue of section thirty-four of the Act or paragraph 1 of Schedule 4 thereto, is treated as having such a limited leave.

Registration officer, etc.

2. (1) For the purposes of this Ordinance the Chief Immigration Officer shall be the registration officer for the Bailiwick, and the Bailiwick shall be the registration area.

(2) The registration officer shall keep for the registration area a register of aliens containing the particulars specified in the Schedule hereto:

Provided that if the registration officer is not satisfied as to the nationality of an alien he may describe that alien in the register as being of uncertain nationality or may describe him as having such nationality as appears to that officer to be the probable nationality of the alien.

(3) Anything required or authorised by this Ordinance to be done by or to the registration officer may be done by or to any police officer or other

person who is authorised by the registration officer to act for the purposes of this Ordinance.

Duty to register, etc.

3. (1) Within seven days of this Ordinance becoming applicable to him, an alien shall, subject to section four of this Ordinance, attend at the office of the registration officer and furnish to that officer such information, documents and other particulars (including a recent photograph) relating to him as are required by that officer for the purposes of the register kept by him or the issue of a certificate of registration to the alien.

(2) Without prejudice to the generality of subsection (1) of this section, an alien attending as aforesaid shall either –

- (a) produce to the registration officer a passport furnished with a photograph of himself or some other document satisfactorily establishing his identity and nationality, or
- (b) give to that officer a satisfactory explanation of the circumstances which prevent him from producing such a passport or document.

Exemption from registration in certain cases.

4. (1) An alien shall not be required to attend and furnish particulars under section three of this Ordinance if –

- (a) immediately before this Ordinance becoming applicable to him, he was ordinarily resident in the Bailiwick, and
- (b) he had previously, during that period of ordinary residence, attended and furnished particulars under

section three of this Ordinance.

(2) Without prejudice to subsection (1) of this section or the provisions of subsection (5) of section ten of this Ordinance an alien shall not be required to attend and furnish particulars under section three of this Ordinance if –

- (a) on the coming into operation of this Ordinance it becomes applicable to him,
- (b) immediately before the coming into operation of this Ordinance he was resident in the Bailiwick, and
- (c) he had previously, during that period of residence, attended and furnished particulars under subsection (2) of section thirteen of the Aliens Restriction (Guernsey) Law, 1958^a.

NOTE

The Aliens Restriction (Guernsey) Law, 1958 has since been repealed by the Aliens Restriction (Repeals) (Guernsey) Law, 1973, section 1, Schedule, with effect from 29th March, 1973.

Duty to notify changes of residence or address, etc.

5. (1) Every alien to whom this Ordinance applies who has furnished particulars under section three of this Ordinance shall be under a duty to notify any changes therein in accordance with this section.

(2) Such an alien who for the time being has a residence in the Bailiwick shall, if he adopts a new residence within the Bailiwick, report his arrival at

^a Ordres en Conseil Vol. XVIII, p. 1.

his new residence to the registration officer before the expiration of the period of seven days beginning with the day of his arrival.

(3) Such an alien who for the time being has a residence in the Bailiwick, if he is absent from his residence for a continuous period exceeding two months (without adopting a new residence) –

(a) shall forthwith notify the registration officer of his address for the time being (whether within or outside the Bailiwick),

(b) subject to the provisions of subsection (5) of this section, shall notify the registration officer of any subsequent change of address within the Bailiwick before the expiration of eight days beginning with the day of his arrival at the new address, and

(c) shall, on returning to his residence, notify the registration officer of his return (whether or not he has throughout the period of absence remained in the Bailiwick).

(4) Subject to the two next succeeding subsections, such an alien who for the time being has not a residence in the Bailiwick shall, if he moves from one address to another, notify the registration officer of his arrival thereat before the expiration of eight days beginning with the day of his arrival.

(5) Such an alien need not, under paragraph (b) of subsection (3) or subsection (4) of this section, notify the registration officer of his address unless he remains or intends to remain at that address for a longer period than seven days beginning with the day of his arrival thereat.

(6) If such an alien who for the time being has not a residence in the Bailiwick supplies to the registration officer the name and address of a referee, being a person resident within the Bailiwick who is willing to act, and in the opinion of that officer is a suitable person to act, as a referee under this subsection, the officer shall include the referee's name and address among the entries relating to the alien in the register kept by him; and in such case, the following provisions shall apply in substitution for those of subsection (4) of this section, that is to say –

- (a) the alien shall keep the referee informed as to his address from time to time and shall notify the registration officer of any change in the referee's address, and
- (b) the referee shall, if so required by the registration officer, furnish to that officer any information in his possession as to the alien which is required by that officer for the purposes of his duties under this Ordinance.

Duty to notify other changes in particulars etc.

6. Every alien to whom this Ordinance applies who has furnished particulars under section three of this Ordinance –

- (a) shall notify the registration officer of any change in his case in the particulars specified as items 1, 3, 5, 6, 7 and 14 in the Schedule to this Ordinance, before the expiration of eight days beginning with that on which the change, or the event occasioning the change, occurs, and

- (b) if so required by the registration officer, shall furnish to that officer by such date as he may specify such information, documents and other particulars (including, where so required, a recent photograph) relating to him which are required by that officer for the purposes of his duties under this Ordinance.

Provisions supplemental to sections 3, 5 and 6.

7. (1) An alien required under subsection (1) of section three or paragraph (b) of section six of this Ordinance to furnish a photograph of himself shall furnish two copies of the same photograph; and, if he fails to furnish such copies, the registration officer may cause him to be photographed.

(2) An alien required under section five or paragraph (a) of section six of this Ordinance to notify the registration officer of any change in his residence or address or of any change in his case in the particulars mentioned in paragraph (a) of section six of this Ordinance shall either attend for the purpose at the office of the registration officer or send written notice of the change to that officer by post so, however, that where written notice is given the alien shall also send to the registration officer his certificate of registration.

(3) An alien required under paragraph (b) of section six of this Ordinance to furnish information, documents or other particulars to the registration officer (whether or not in connection with a change of which written notice has been given in pursuance of subsection (2) of this section) shall attend for the purpose at the office of the registration officer if that officer so requires.

Issue of registration certificates.

8. (1) The registration officer shall issue certificates of registration to aliens of whom particulars are entered in the register by him.

(2) A certificate of registration shall be independent of, and shall not be included in, any other document except that such a certificate issued to an alien who is –

- (a) a national of a State which is a member of the European Economic Community, and
- (b) the holder of a current residence permit issued to him by the Lieutenant-Governor after the United Kingdom shall have become a member of that Community,

may take the form of an endorsement of that permit.

[(3) An alien who is not a national of a state which is a member of the European Economic Community shall pay to the registration officer concerned the appropriate fee specified in the following Table –

For a certificate issued on registration otherwise than as mentioned below	£15.00
For a certificate issued on registration in respect of a wife or of a child under 18 years at the time of registration, where a family is registered together	...			£5.00
For a certificate issued in replacement of one issued previously	£5.00].

NOTE

In section 8, subsection (3) was substituted by the Immigration (Registration of Aliens) (Amendment) (Guernsey) Ordinance, 1980, section 1, with effect from 1st January, 1981.¹

Production of registration certificates.

9. (1) On the making of any alteration or addition to the register, the registration officer may require the alien concerned to produce his certificate of registration in order that any necessary amendment may be made thereto.

(2) Any immigration officer or police officer may –

(a) require an alien to whom this Ordinance applies, forthwith, to either produce a certificate of registration or give to the immigration officer or police officer a satisfactory reason for his failure to produce it,

(b) where the alien fails to produce a certificate of registration in pursuance of such a requirement (whether or not he gives a satisfactory reason for his failure), require him, within the following forty-eight hours, to produce a certificate of registration at a place specified by the immigration officer or police officer,

so, however, that a requirement under paragraph (b) of this subsection to produce a certificate of registration at a place so specified shall have effect in substitution for the requirement under paragraph (a) of this subsection so as to cause that previous requirement to cease to have effect.

Interpretation and transitional provisions.

10. (1) In this Ordinance, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

"the Act" means the Immigration Act 1971 as extended to the Bailiwick by the Immigration (Guernsey) Order 1972,

"alien" has the same meaning as in the British Nationality Act 1948,

"certificate of registration" means a certificate issued in pursuance of subsection (1) of section eight of this Ordinance to the alien concerned,

"enactment" includes an enactment of the Parliament of the United Kingdom,

"immigration officer" means an immigration officer for the purposes of the Act appointed by the States [Policy & Resources Committee] with the concurrence of the Lieutenant-Governor under the provisions of subparagraph (1) of paragraph 1 of Schedule 2 to the Act and includes an officer of Customs employed by the States [Committee for Home Affairs] with such concurrence as an immigration officer under the Act in accordance with subparagraph (1) of paragraph 1 of the said Schedule,

"nationality" includes the status of a stateless alien,

"police officer" means –

- (a) in relation to Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey and, within the limit of his jurisdiction, a member of the special constabulary of the Island of Guernsey,
- (b) in relation to Alderney, a member of the said police force and a member of any police force which may be established by the States of Alderney, and

- (c) in relation to Sark, the Constable, the Vingtenier and a member of the said police force of Guernsey,

"the register" means the register kept in pursuance of the provisions of section two of this Ordinance,

"registration officer" has the meaning assigned thereto by section two of this Ordinance and includes a police officer or other person who is authorised by the registration officer to act for the purposes of this Ordinance under the provisions of subsection (3) of that section,

"a residence" means a person's private dwelling-house or other premises in which he is ordinarily resident but does not include any premises in which he is not ordinarily resident.

(2) Except so far as the context otherwise requires, any reference in this Ordinance to any other enactment shall be construed as a reference to that enactment as amended, repealed and replaced, extended or applied by or under any other enactment including this Ordinance.

(3) The Interpretation (Guernsey) Law, 1948^b, shall apply to the interpretation of this Ordinance throughout the Bailiwick.

(4) Where an alien has failed to comply with any requirement made by a provision of this Ordinance within a period specified in that provision he shall, without prejudice to any liability in respect of that failure under paragraph (f) of subsection (1) of section twenty-six of the Act, continue to be subject to that requirement notwithstanding the expiry of that period.

^b Ordres en Conseil Vol. XIII, p. 355.

(5) Anything done, or having effect as if done, under or for the purposes of, any provision of the Aliens Restriction (Guernsey) Law, 1958, corresponding to a provision of this Ordinance shall have effect as if done under, or for the purposes of, that corresponding provision and, in particular –

- (a) any register kept under section twelve of the said Law shall be treated as part of the register kept under subsection (2) of section two of this Ordinance,
- (b) particulars furnished under subsection (2) of section thirteen of the said Law shall be treated as furnished under section three of this Ordinance, and
- (c) a certificate of registration supplied in pursuance of paragraph (b) of subsection (2) of section twelve of the said Law shall be treated as a certificate of registration issued in pursuance of subsection (1) of section eight of this Ordinance.

NOTES

In section 10,

the words in the first pair of square brackets in the definition of the expression "immigration officer" in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 10(a), with effect from 1st May, 2016;²

the words in the second pair of square brackets in the definition of the expression "immigration officer" in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016.³

The functions, rights and liabilities of the Policy Council and of its Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-

*President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 10(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.*⁴

*The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.*⁵

In accordance with the provisions of the Police Force (Bailiwick of Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.

The Aliens Restriction (Guernsey) Law, 1958 has since been repealed by the Aliens Restriction (Repeals) (Guernsey) Law, 1973, section 1, Schedule, with effect from 29th March, 1973.

The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.

Extent.

11. This Ordinance shall have effect throughout the Bailiwick.

Citation.

12. This Ordinance may be cited as the Immigration (Registration of Aliens) (Guernsey) Ordinance, 1972.

Commencement.

13. This Ordinance shall come into force on the first day of January, nineteen hundred and seventy-three.

SCHEDULE
PARTICULARS TO BE ENTERED IN REGISTER

1. Name in full.
2. Sex.
3. Matrimonial status (married or single).
4. (a) Date of birth.
(b) Country of birth.
5. (a) Present nationality.
(b) How and when acquired.
(c) Previous nationality (if any).
6. Particulars of passport or other document establishing nationality.
7. Business, profession or occupation.
8. Residence in the Bailiwick (or address if no residence).
9. Name and address of referee (if any) supplied under paragraph (6) of section five.
10. Last residence outside the Bailiwick.
11. (a) Date of arrival in the Bailiwick.

- (b) Place of arrival in the Bailiwick.
 - (c) Mode of arrival in the Bailiwick.
12. Duration of limited leave and conditions attached thereto.
13. Restrictions or conditions, if any, applicable by virtue of subsection (2) of section nine of the Act.
14. (a) If employed in the Bailiwick –
- (i) name and address of employer;
 - (ii) address at which employed, if different.
- (b) If engaged in business or profession in the Bailiwick –
- (i) name under which business or profession is carried on;
 - (ii) address at which business or profession is carried on.
15. Signature (or fingerprints if unable to write in the characters of the English language).
16. Photograph.

¹ Subsection (3) was previously substituted by: the Immigration (Registration of Aliens) (Amendment) (Guernsey) Ordinance, 1975, section 1, with effect from 18th December, 1975; the Immigration (Registration of Aliens) (Amendment) (Guernsey) Ordinance, 1979, section 1, with effect from 13th December, 1978.

2 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 12(a), with effect from 6th May, 2004.

3 These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(a), with effect from 6th May, 2004.

4 The functions, rights and liabilities of the Policy Council and its Minister arising under or by virtue of this Ordinance were previously transferred to them from the Civil Service Board and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 12(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

5 The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Board of Administration and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 3(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.