

GUERNSEY STATUTORY INSTRUMENT

1972-No. 61

The Immigration (Places of Detention)(Guernsey) Direction, 1972.

Made 27th December, 1972.

Coming into Operation 1st January, 1973.

In exercise of the powers conferred upon me by paragraph 18(1) of Schedule 2 and that paragraph as applied by paragraph 2(4) of Schedule 3 to the Immigration Act 1971, as extended to the Bailiwick of Guernsey by the Immigration (Guernsey) Order, 1972, I hereby make the following Direction:-

1. This Direction may be cited as the Immigration (Places of Detention)(Guernsey) Direction 1972 and shall come into operation on 1st January, 1973.
2. -(1) In this Direction-
 - "the Act" means the Immigration Act 1971, as extended to the Bailiwick of Guernsey by the Immigration (Guernsey) Order 1972; and
 - "the Bailiwick" means the Bailiwick of Guernsey and the territorial waters adjacent thereto;
 - "place of safety" has, in the Bailiwick, the same meaning as in the Children and Young Persons (Guernsey) Law, 1967.(2) The Interpretation (Guernsey) Law, 1948 shall apply to the interpretation of this Direction throughout the Bailiwick.
3. -(1) The places specified in paragraph (2) of this Article shall be the places in which persons may be detained under the provisions of the Act therein mentioned.
 - (2) The places referred to in paragraph (1) of this Article are:-
 - (a) in the case of a person detained under paragraph 16(1) or 16(2) of Schedule 2 to the Act (detention of persons pending examination and decision as to entry or pending removal)-

- (i) any place used by an immigration officer for the purposes of his functions at the port at which that person is seeking leave to enter or has been refused leave to enter, as the case may be; or
 - (ii) any place specially provided for the purpose of detention at any port; or
 - (iii) any police station or prison or, in the case of a person under the age of 17, any place of safety;
- (b) In the case of ^aperson detained under paragraph 2(2) of Schedule 3 to the Act (detention of a person to whom notice of a decision to make a deportation order has been given), any such place as is mentioned in sub-paragraph (a)(iii) of this paragraph;
- (c) in the case of a person detained under paragraph 2(3) of the said Schedule 3 (detention of a person against whom a deportation order is in force), any such place as is mentioned in sub-paragraph (a)(ii) or (iii) of this paragraph.

4. A person shall not continue to be detained in accordance with the provisions of Article 3 of this Direction elsewhere than in a place of safety or prison if five days have elapsed since the day on which he was first detained as aforesaid:

Provided that if, at any time after the expiry of the period referred to in this Article (whether or not the person detained has been removed in accordance with the provisions of this Article to another place of detention) it is proposed, in accordance with a direction under any of paragraphs 8 to 14 of Schedule 2 to the Act, to remove that person from the Bailiwick within a period of not more than two days, he may, notwithstanding the provisions of this Article, be detained in any place authorised by Article 3(2) of this Direction for an additional period of two days.

Charles Mills
Vice Admiral
Lieutenant-Governor and Commander-in-Chief

Office of the Lieutenant-Governor,
Guernsey.

27th December, 1972.