

1972-No. 62

*Amended by 1979/17 & 1982/30 as shown
See also S.I. 2 of 1972 S.I. 1972/1-22*

The Immigration (Control of Entry through Republic of Ireland)(Guernsey)(No.1) Order, 1972.

Made 27th December, 1972

Coming into Operation . . . 1st January, 1973.

In exercise of the powers conferred upon me by section 9(2) and (6) of the Immigration Act 1971 as extended to the Bailiwick of Guernsey by the Immigration (Guernsey) Order 1972, I hereby make the following order :-

1. This Order may be cited as the Immigration (Control of Entry through Republic of Ireland)(Guernsey) (No.1) Order 1972 and shall come into operation on 1st January, 1973.

2. -(1) In this Order-

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

"the Bailiwick" means the Bailiwick of Guernsey and the territorial waters adjacent thereto; and

"visa national" means a person who is required on entry into the Bailiwick to produce a passport or other document of identity endorsed with a United Kingdom visa and includes a stateless person.

(2) In this Order any reference to an Article shall be construed as a reference to an Article of this Order and any reference in an Article to a paragraph as a reference to a paragraph of that Article.

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

3. -(1) This Article applies to-

(a) any person (other than a citizen of the Republic of Ireland) who arrives in the Bailiwick on an aircraft which began its flight in that Republic if he entered that Republic in the course of a journey to the Bailiwick which began outside the common travel area and was not given leave to land in that Republic in accordance with the law in force there;

(b) any person (other than a person to whom sub-paragraph (a) of this paragraph applies) who arrives in the Bailiwick on a local journey from the Republic of Ireland if he satisfies any of the following conditions, that is to say:-

- (i) he is a visa national who has no valid visa for his entry into the Bailiwick;
- (ii) he entered that Republic unlawfully from a place outside the common travel area;
- (iii) he entered that Republic from a place in the United Kingdom and Islands after entering there unlawfully, ~~provided that~~ he has not *(see below)* subsequently been given leave to enter or remain in the United Kingdom or any of the Islands; or
- (iv) he is a person in respect of whom directions have been given by the Lieutenant-Governor for him not to be given entry to the Bailiwick on the ground that his exclusion is conducive to the public good.

(2) In relation only to persons to whom this Article applies, the Republic of Ireland shall be excluded from section 1(3) of the Act (provisions relating to persons travelling on local journeys in the common travel area).

4.1-(1) Subject to paragraph (2), this Article applies to any person who ~~is not~~ *is not* a citizen of the Republic of Ireland and who enters the Bailiwick on a local journey from the Republic of Ireland after having entered that Republic- *1. does not have the right of abode in the United Kingdom under Section 2 of the Act 1982/30.*

- (a) on coming from a place outside the common travel area; or
- (b) after leaving the Bailiwick whilst having a limited leave to enter or remain there which has since expired.

(2) This Article shall not apply to any person who requires leave to enter the Bailiwick by virtue of Article 3 or section 9(4) of the Act.

(3) A person to whom this Article applies by virtue only of paragraph (1)(a) shall, unless he is a visa national who has a visa containing the words "short visit", be subject to the restriction set out in paragraph (4).

or, if he had a limited leave to enter or remain there, after the expiry of the leave, provided that in either case

(3) is to the effect that the period for which he may remain in the Bailiwick shall not be more than three months from the date on which he entered the Bailiwick.

- (5) In relation to a person who is a visa national and has a visa containing the words "short visit" the restriction set out in paragraph (6) shall have effect instead of the provisions contained in paragraph (4).
- (6) The restriction referred to in paragraph (5) is to the effect that the period for which he may remain in the Bailiwick shall not be more than one month from the date on which he entered the Bailiwick.
- (7) The preceding provisions of this Article shall have effect in relation to a person to whom this Article applies by virtue of sub-paragraph (b) of paragraph (1) (whether or not he is also a person to whom this Article applies by virtue of sub-paragraph (a) thereof) as they have effect in relation to a person to whom this Article applies by virtue only of the said sub-paragraph (a), but as if for the references in paragraphs (4) and (6) to three months and one month respectively there were substituted a reference to seven days.

Charles Mills
Vice Admiral

Lieutenant-Governor and Commander-in-Chief

Office of the Lieutenant-Governor,
GUERNSEY.

27th December, 1972.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order excludes from the operation of section 1(3) of the Immigration Act 1971 as extended to the Bailiwick (which exempts from control passengers travelling on local journeys within the common travel area, that is to say the area comprising the United Kingdom, Channel Islands, Isle of Man and the Republic of Ireland) certain persons who enter the Bailiwick through the Republic of Ireland, (Article 3). The main classes of persons are those who

merely passed through the Republic of Ireland, persons requiring visas, persons who entered the Republic of Ireland unlawfully and persons who are subject to directions given by the Lieutenant-Governor for their exclusion from the Bailiwick on the ground that such exclusion is conducive to the public good.

The Order also imposes restrictions on persons who are not patrial (other than those excluded from the operation of section 1(3) and who enter the Bailiwick from the Republic after coming from a place outside the common travel area or after leaving the Bailiwick while having a limited leave to enter or remain there which has since expired (Article 4). These restrictions impose a limit on the period of their stay in the Bailiwick.