

2015 No. 1533

IMMIGRATION

The Immigration (Guernsey) Order 2015

Made - - - - 15th July 2015

Coming into force in accordance with article 1

At the Court at Buckingham Palace, the 15th day of July 2015

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of the powers conferred upon Her by section 76(6) of the Immigration Act 2014(a) and section 63(3) of the Immigration, Asylum and Nationality Act 2006(b), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation, commencement and interpretation

1. This Order may be cited as the Immigration (Guernsey) Order 2015 and shall come into force seven days after the day on which it is registered by the Royal Court of Guernsey.

2. In this Order—

“the 1971 Act” means the Immigration Act 1971(c);

“the 2006 Act” means the Immigration, Asylum and Nationality Act 2006;

“the 2014 Act” means the Immigration Act 2014; and

“Guernsey” means the Bailiwick of Guernsey.

3. For the purposes of construing provisions of the 1971 Act as part of the law of Guernsey, any reference to an enactment which extends to Guernsey shall be construed as a reference to that enactment as it has effect in Guernsey.

Extensions and modifications

4. Sections 27 and 42 of the 2006 Act shall extend to Guernsey subject to the exceptions and modifications specified in the right-hand column of Schedule 1 to this Order.

5. Sections 67 and 73(6) of, and Schedules 8 and 9 to, the 2014 Act shall extend to Guernsey subject to the exceptions and modifications specified in the right-hand column of Schedule 2 to this Order.

(a) 2014 c. 22.

(b) 2006 c. 13. By virtue of section 63(3A), inserted by section 54(7) of the Police and Justice Act 2006 (c.48), the power in section 63(3) to extend 2006 (c.13) to territories covered by it includes both extension with the amendments and repeals made by 2006 c.48 and extension without those amendments and repeals.

(c) 1971 c. 77.

6. For the avoidance of doubt, the amendments made to the 1971 Act by sections 67 and 73(6) of, and Schedules 8 and 9 to, the 2014 Act, as extended to Guernsey by article 5 of this Order, are amendments made to the 1971 Act as amended by sections 27 and 42 of the 2006 Act, as extended to Guernsey by article 4 of this Order.

Richard Tilbrook
Clerk of the Privy Council

SCHEDULE 1

Article 4

Exceptions and modifications of sections 27 and 42 of the Immigration, Asylum and Nationality Act 2006 as they extend to Guernsey

<i>Provision</i>	<i>Exceptions and Modifications</i>
Section 27(1) (substituting paragraph 4(4) of Schedule 2 to the 1971 Act)	(a) in the inserted subparagraph (4)(b) of paragraph 4 of Schedule 2 to the 1971 Act, for “United Kingdom”, substitute “Bailiwick of Guernsey”; and (b) in the inserted subparagraph (4)(c) of paragraph 4 of Schedule 2 to the 1971 Act, omit “in respect of an appeal under the Immigration Acts or”.
Section 42(2) (amending paragraph 3(1) of Schedule 2 to the 1971 Act)	In the inserted subparagraph (1)(b), (c) and (d) of paragraph 3 of Schedule 2 to the 1971 Act, for “United Kingdom”, substitute “Bailiwick of Guernsey”.

SCHEDULE 2

Article 5

Exceptions and modifications of sections 67 and 73(6) of, and Schedules 8 and 9 to, the Immigration Act 2014 as they extend to Guernsey

<i>Provision</i>	<i>Exceptions and Modifications</i>
Paragraph 4(3) of Schedule 8 (amending paragraph 5 of Schedule 2 to the 1971 Act)	In the inserted sub-paragraph (b) of paragraph 5 of Schedule 2 to the 1971 Act, for “United Kingdom”, substitute “Bailiwick of Guernsey”.
Paragraph 5 of Schedule 8 (inserting paragraph 5A into Schedule 2 to the 1971 Act)	(a) in the inserted paragraph 5A(1) of Schedule 2 to the 1971 Act, for “Secretary of State”, substitute “States Home Department with the concurrence of the Lieutenant-Governor”; (b) in the inserted paragraph 5A(5) of Schedule 2 to the 1971 Act, for “Secretary of State”, substitute “States Home Department (with the concurrence of the Lieutenant-

<i>Provision</i>	<i>Exceptions and Modifications</i>
	Governor”); (c) in the inserted paragraph 5A(6) of Schedule 2 to the 1971 Act, for “Secretary of State” in each place it occurs, substitute “States Home Department”.
Paragraph 6 of Schedule 8 (inserting paragraph 5B into Schedule 2 to the 1971 Act)	In the inserted paragraph 5B(1) of Schedule 2 to the 1971 Act, for “Secretary of State” substitute “Lieutenant-Governor”.
Part 1 (Provision Relating to Removal) of Schedule 9	(a) in paragraph 1 (amending paragraph 11 of Schedule 2 to the 1971 Act), for “Secretary of State”, substitute “Lieutenant-Governor”; (b) omit paragraphs 2 to 7 inclusive.
Paragraph 72 in Part 10 (Provision Relating to Embarkation Checks) of Schedule 9	In sub-paragraph (3), after “come into force” insert “in the Bailiwick of Guernsey”.
All Parts, other than Parts 1 and 10, of Schedule 9	Omit these Parts.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to Guernsey, with exceptions and modifications, sections 27 and 42 of the Immigration, Asylum and Nationality Act 2006 (c.13) and sections 67 and 73(6) of, and Schedules 8 and 9 to, the Immigration Act 2014 (c.22).

The effect of extending to Guernsey sections 27 and 42 of the Immigration, Asylum and Nationality Act 2006 is to amend paragraphs 3 and 4 of Schedule 2 to the Immigration Act 1971 (c.77) as extended to Guernsey.

The effect of extending to Guernsey paragraphs 2 and 3 of Schedule 8 to the Immigration Act 2014 is to further amend paragraphs 3 and 4 of Schedule 2 to the Immigration Act 1971 as extended to Guernsey.

The effect of extending to Guernsey certain other provisions of the Immigration Act 2014 is to make other amendments to the Immigration Act 1971 as extended to Guernsey.

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