

---

STATUTORY INSTRUMENTS

---

**2011 No. 2444**

**IMMIGRATION**

**The Immigration (Guernsey) Order 2011**

*Made - - - - 12th October 2011*

*Coming into force in accordance with article 1*

Her Majesty, in pursuance of the powers conferred upon Her by section 63(3) of the Immigration, Asylum and Nationality Act 2006(1) and section 170(7) of the Immigration and Asylum Act 1999(2), 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 2011 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(3);

“the 1999 Act” means the Immigration and Asylum Act 1999; 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.

**Extension and modification**

4. Sections 31, 32, 34 and 39 of the Immigration, Asylum and Nationality Act 2006 shall extend to Guernsey subject to the exceptions and modifications specified in the right-hand column of Schedule 1.

5. Section 166 of the 1999 Act(4) shall extend to Guernsey subject to the exceptions and modifications specified in the right-hand column of Schedule 2.

---

(1) 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.

(2) 1999 c. 33.

(3) 1971 c. 77.

(4) Section 166 has been amended, but the amendments are not relevant to this Order.

---

**Status:** *This is the original version (as it was originally made). UK  
Statutory Instruments are not carried in their revised form on this site.*

---

6. Section 18 of the 1999 Act(5) shall be modified in its extension to Guernsey as specified in Schedule 3.

*Judith Simpson*  
Clerk of the Privy Council

---

(5) Section 18 of the 1999 Act was previously extended with modifications to Guernsey by [S.I. 2003/2900](#).

## SCHEDULE 1

Article 4

Exceptions and modifications of sections 31, 32, 34 and 39 of the  
Immigration, Asylum and Nationality Act 2006 as they extend to Guernsey

<i>Provision</i>	<i>Exceptions and Modifications</i>
Section 31  (provision of information to immigration officers)(6)  (amending paragraphs 27 and 27B of Schedule 2 to and section 27 of the 1971 Act)	(a) for “United Kingdom” in each place it occurs, substitute “Bailiwick of Guernsey”; (b) in subsection (2)— (i) in the substituted subparagraph (2), for “Secretary of State may by order require” substitute “Lieutenant-Governor may by directions require”; (ii) in the substituted subparagraphs (3) and (5), for “An order” substitute “Directions”; (iii) at the end of the substituted subparagraph (5)(b) insert “and”; (iv) for the substituted subparagraph 5(c), substitute “may require information to be provided to the immigration officer or as the immigration officer directs.”; and (v) omit the substituted subparagraph (5)(d); and (c) in subsection (3), in the inserted subparagraph (9A), after the words “may be specified” insert “by the Lieutenant-Governor”.
Section 32  (passenger and crew information: police powers)	(a) for “Secretary of State”, in each place it occurs, substitute “Lieutenant-Governor”; (b) in subsection (1)(a), for “in the United Kingdom” substitute “at any place in the Bailiwick of Guernsey (whether from a place in the Bailiwick of Guernsey or from outside the Bailiwick of Guernsey)”; (c) in subsection (1)(b) for “the United Kingdom” substitute “from any place in the Bailiwick of Guernsey (whether for a place in the Bailiwick of Guernsey or for outside the Bailiwick of Guernsey)”; (d) in subsection (2) for “constable of the rank of superintendent or above” substitute “police officer of the rank of chief inspector or above”; (e) for subsection (4) substitute— “(4) A police officer may impose a requirement under subsection (2) only if he thinks it necessary for police purposes.”; (f) for subsection 5(b) substitute—

---

(6) Section 31 amends paragraphs 27 and 27B of Schedule 2 to the Immigration Act 1971 (c. 77). Paragraph 27 was extended to Guernsey, with exceptions and modifications, by the Immigration (Guernsey) Order 1993 (S.I. 1993/1796). Paragraph 27B was extended to Guernsey, with exceptions and modifications, by the Immigration and Asylum Act 1999 (Guernsey) Order 2003 (S.I. 2003/2900).



- (c) in subsection (2) for “the United Kingdom”  
in, each place it occurs, substitute “the British  
Islands”; and
  - (d) omit subsection (3).
- 

## SCHEDULE 2

Article 5

### Exceptions and modifications of section 166 of the Immigration and Asylum Act 1999(7) as it extends to Guernsey

<i>Provision</i>	<i>Exceptions and Modifications</i>
Section 166 (regulations and orders)	<ul style="list-style-type: none"><li>(a) omit subsections (1) and (2);</li><li>(b) in subsection (3), for the words “statutory instrument made as a result of subsection (1)” substitute “direction or order made under this Act”; and</li><li>(c) omit subsections (4), (5) and (6).</li></ul>

---

## SCHEDULE 3

Article 6

Modification of section 18 of the Immigration and Asylum Act 1999(8) as it extends to Guernsey

1. In section 18 of the 1999 Act (passenger information), in the inserted paragraph 27B(2), after “that information to the officer” insert “or as the officer directs”.

---

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order extends to Guernsey, with exceptions and modifications, sections 31, 32, 34 and 39 of the Immigration, Asylum and Nationality Act 2006 (c.13) and section 166 of the Immigration and Asylum Act 1999 (c.33). It also further modifies section 18 of the Immigration and Asylum Act 1999 which was previously extended to Guernsey with modifications by the Immigration and Asylum Act (Guernsey) Order 2003 (SI 2003/2900).

---

(7)

1999 c.33

(8) Section 18 of the 1999 Act was previously extended with exceptions and modifications to Guernsey by S.I. 2003/2900.