1952 No. 636

The Aliens (No. 2) Order, 1952

Made - - - -	*24th March*, 1952
Laid before Parliament	*25th March*, 1952
Coming into Operation	*7th April*, 1952

At the Court at Clarence House, the 24th day of March, 1952

Present

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section one of the Aliens Restriction Act, 1914(a), as amended by any subsequent enactment, and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Aliens (No. 2) Order, 1952, and shall come into operation on the seventh day of April, 1952.

2.—(1) In this Order the expression "the principal Order" means the Aliens Order, 1920(b), as amended by any subsequent Order in Council.

(2) The Interpretation Act, 1889(c), applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3.—(1) In Article 1 of the principal Order (which imposes restrictions on the landing of aliens in the United Kingdom) for paragraph (1) there shall be substituted the following paragraphs:—

"(1) Subject to the provisions of this Order, an alien shall not land in the United Kingdom from a ship or aircraft—

(*a*) in any case, without the leave of an immigration officer;

(*b*) except in the case of an officer or member of the crew, at any place other than an approved port.

(2) Paragraph (1) of this Article shall not apply to an alien landing from a ship or aircraft coming from a place in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland (in this Order collectively referred to as the specified area) unless, in the case of an alien landing from an aircraft coming from a place in the Republic of Ireland,—

(*a*) he entered that Republic in the course of his journey in an aircraft not coming from a place in the specified area; and

(*b*) he did not obtain leave to land in that Republic under the law in force there;

and the Secretary to State may, in special circumstances, allow any alien to land with the leave of an immigration officer at any specified port notwithstanding that it is not an approved port."

(a) 4 & 5 Geo. 5. c. 12.
(b) S.R. & O. 1920/448; Rev. II, p. 1; 1920 I, p. 138; and *see* S.R. & O. 1923/326; 1931/715; 1939/994; 1944/465; 1946/380: 1923, p. 57; 1931, p. 29; 1939, p. 121; 1944 I, p. 10; 1946 I, p. 12; and S.I. 1951/966; 1951 I, p. 66.
(c) 52 & 53 Vict. c. 63.

(2) In paragraph (4) of the said Article 1 (which paragraph provides for the observance of conditions subject to which leave to land is granted) for sub-paragraphs (*a*) and (*b*) there shall be substituted the words "during any period during which, after the time when the conditions were attached or varied, he is in the United Kingdom, not having stayed after that time outside the specified area"; and for the words "Great Britain or Northern Ireland, as the case may be" there shall be substituted the words "the United Kingdom".

4. In Article 1A of the principal Order (which provides that an alien on whom conditions are imposed on landing in the Channel Islands or the Isle of Man or who lands there without leave shall, when in Great Britain, be subject to the like conditions or, as the case may be, be deemed to have landed without leave in Great Britain) for the words "Great Britain", wherever those words occur, there shall be substituted the words "the United Kingdom".

5. For Article 1B of the principal Order (which restricts the embarkation of aliens in the United Kingdom) there shall be substituted the following Article:—

"1B.—(1) Subject to the provisions of this Order, an alien shall not embark in the United Kingdom in a ship or aircraft—

(*a*) in any case, without the leave of an immigration officer;

(*b*) except in the case of an officer or member of the crew, at any place other than an approved port.

(2) Paragraph (1) of this Article shall not apply to an alien embarking in a ship or aircraft bound for a place in the specified area; and the Secretary of State may, in special circumstances, allow any alien to embark with the leave of an immigration officer at any specified port notwithstanding that it is not an approved port."

6.—(1) In paragraph (1) of Article 3 of the principal Order (which paragraph provides for the inspection of aliens seeking to land in the United Kingdom) after the word "alien" there shall be inserted the words "(not being an alien who, under paragraph (2) of Article 1 of this Order, may land without the leave of an immigration officer)"; and the proviso to that paragraph shall be omitted.

(2) In paragraph (7) of the said Article 3 (which paragraph provides for the disclosure of documents carried or conveyed by aliens landing or embarking in the United Kingdom) after the words "United Kingdom" there shall be inserted the words "(not being an alien who, under paragraph (2) of Article 1 or paragraph (2) of Article 1B of this Order, may land or embark, as the case may be, without the leave of an immigration officer)"; and the proviso to that paragraph shall be omitted.

7. In Article 5 of the principal Order (which requires masters of ships and pilots of aircraft to make certain returns in respect of alien passengers and alien members of their crews) for paragraph (1) there shall be substituted the following paragraphs:—

"(1) Subject to the provisions of this Order—

(*a*) the master of a ship or pilot of an aircraft which lands or embarks passengers at any port in the United Kingdom shall furnish, to such person and in such manner as may be prescribed, a return giving the prescribed particulars with respect to any passengers who are aliens;

(*b*) the master of a ship or pilot of an aircraft which comes to any port in the United Kingdom shall furnish, to such person and in such manner as may be prescribed, a return giving the prescribed particulars with respect to any officers or members of the crew who are aliens.

(1A) Paragraph (1) of this Article shall not apply to any ship coming from or bound for a place in the specified area, to any aircraft bound for such a place, or to any aircraft coming from a place in that area other than a place in the Republic of Ireland; and in the case of an aircraft coming from a place in that Republic no return shall be required under that paragraph—

(*a*) in respect of alien passengers who, under paragraph (2) of Article 1 of this Order, may land without the leave of an immigration officer, or

(*b*) in respect of any officers or members of the crew who are aliens";

and paragraph (3) of that Article shall be omitted.

8.—(1) After Article 5 of the principal Order there shall be inserted the following Article:—

"5A.—(1) This Article applies to any alien who, in accordance with paragraph (2) of Article 1 of this Order, lands on any occasion in the United Kingdom without the leave of an immigration officer, if the following conditions are satisfied, that is to say:—

(*a*) that on the last occasion on which, before landing as aforesaid, he entered the specified area from a place outside that area, he did so by landing in the Republic of Ireland; and

(*b*) that he has not previously landed in the United Kingdom since landing in that Republic as aforesaid.

(2) An alien to whom this Article applies shall (unless he is under sixteen years of age) comply forthwith after landing as aforesaid with the provisions of Article 6 of this Order relating to the furnishing of particulars about himself.

(3) An alien to whom this Article applies shall not, except with permission granted by or on behalf of the Secretary of State, remain in the United Kingdom for a period exceeding one month from the date on which he lands as aforesaid and shall not, while he remains in the United Kingdom after landing as aforesaid—

(*a*) enter into any employment in the service of an employer; or

(*b*) become engaged in any business, profession or occupation for reward otherwise than in employment in the service of an employer,

except in accordance with permission granted as aforesaid; and any permission granted for the purposes of sub-paragraph (*a*) or (*b*) of this paragraph may be granted subject to conditions.

(4) Where an alien who lands in the United Kingdom as mentioned in paragraph (1) of this Article is in possession of a valid passport, issued to him by or on behalf of the government of any state, in which he is described as a national of that state, and either—

(*a*) he is a national of Belgium, Cuba, Denmark, France, Iceland, Italy, Liechtenstein, Luxembourg, Monaco, the Netherlands, Norway, San Marino, Sweden, Switzerland or the United States of America; or

(*b*) the passport bears a valid visa for his journey to the United Kingdom (not being a visa which bears the words 'short visit'),

the foregoing provisions of this Article shall have effect in relation to him as if paragraph (2) were omitted and as if in paragraph (3) for the words "one month" there were substituted the words "three months".

(5) If an alien to whom this Article applies in consequence of his having landed in the United Kingdom on any occasion leaves the United Kingdom, then—

(*a*) if he lands therein on a subsequent occasion, in accordance with paragraph (2) of Article 1 of this Order, without the leave of an immigration officer, and more than one month elapses between the date on which he leaves the United Kingdom and the subsequent occasion when he lands therein as aforesaid, the foregoing provisions of this Article shall have effect in relation to him as if for any reference to his landing on the former occasion there were substituted a reference to his landing on the subsequent occasion;

(*b*) if he re-enters the United Kingdom otherwise than as mentioned in sub-paragraph (*a*) of this paragraph, the said provisions shall have effect in relation to him as if he had remained in the United Kingdom during the interval and, where he re-enters by landing, in accordance with paragraph (2) of Article 1 of this Order, without the leave of an immigration officer, as if he had not so landed;

and, in the case of an alien who leaves the United Kingdom on more than one occasion without again landing in the United Kingdom from a ship or aircraft in the interval, the reference in this paragraph to the date on which he leaves the United Kingdom shall be construed as a reference to the date on which he leaves the United Kingdom on the first such occasion.

(6) Notwithstanding anything in this Article, if an alien to whom this Article applies lands in the United Kingdom with the leave of an immigration officer, or lands in the Channel Islands or the Isle of Man with leave granted under the law for the time being in force therein, this Article shall thereupon cease to apply to him."

(2) In paragraph (4) of Article 6 of the principal Order (which paragraph suspends the operation of the provisions of that Article relating to the registration of aliens except in certain cases) at the end of the paragraph there shall be added the words "or unless he is required so to comply with those provisions under Article 5A of this Order."

9.—(1) In Article 15 of the principal Order (which requires persons landing or embarking in the United Kingdom to carry passports or other documents and provides for the identification of aliens among such persons) for paragraph (2A) there shall be substituted the following paragraph:—

"(2A) The preceding provisions of this Article shall not apply—

(*a*) to a person landing in the United Kingdom from a ship or aircraft coming from a place in the specified area unless, in the case of a person landing from an aircraft coming from a place in the Republic of Ireland, he entered that Republic in the course of his journey in an aircraft not coming from a place in the specified area and did not obtain leave to land in that Republic under the law in force there; or

(*b*) to a person embarking in the United Kingdom in a ship or aircraft bound for a place in the specified area."

(2) In paragraph (3) of the said Article 15 (which paragraph enables masters of ships to detain passengers and members of the crew pending identification) after the words " the United Kingdom " there shall be inserted the words " (not being a ship coming from a place in the specified area) " ; and paragraph (4) of that Article shall be omitted.

10.—(1) In Article 20 of the principal Order (which relates to interpretation) at the end of paragraph (2) there shall be added the following definition:—

" The expression ' the specified area ' has the meaning assigned to it by paragraph (2) of Article 1 of this Order."

(2) For paragraph (3) of the said Article 20 there shall be substituted the following paragraph:—

" (3) Any reference in this Order to a ship or aircraft coming from or bound for a place in the specified area shall be construed as a reference to a ship or aircraft which started its voyage or, as the case may be, is due to end its voyage at such a place and has not during the voyage called or, as the case may be, is not due to call during the voyage at any place outside that area, and any reference to an aircraft not coming from a place in the specified area shall be construed accordingly."

11.—(1) Subject to the provisions of this Article—

(*a*) paragraph (4) of Article 1 of the principal Order shall apply as amended by this Order in relation to any condition attached or varied under that paragraph before the date on which this Order comes into force (not being a condition which has ceased to have effect, and to be capable of taking effect, before that date) as it applies in relation to conditions attached or varied on or after that date ;

(*b*) Article 1A of the principal Order shall apply as amended by this Order in relation to any condition attached or varied as mentioned in that Article before the date aforesaid (not being a condition which has ceased to have effect, and to be capable of taking effect, before that date) as it applies in relation to conditions attached or varied on or after that date.

(2) Any order made by the Secretary of State under the principal Order for the purposes of Article 5 of that Order and in force immediately before the date aforesaid shall have effect on and after that date as if made for the purposes of the said Article 5 as amended by this Order.

(3) Where an alien who, immediately before the date on which this Order comes into force, is in Northern Ireland or the Republic of Ireland lands in the United Kingdom, in accordance with paragraph (2) of Article 1 of this Order, without the leave of an immigration officer, Article 5A of the principal Order shall apply to him whether or not the conditions specified in sub-paragraphs (*a*) and (*b*) of paragraph (1) of that Article are satisfied and any conditions applicable to him under the principal Order in respect of any leave to land previously granted under that Order or under the law for the time being in force in the Channel Islands or the Isle of Man shall cease to have effect.

F. J. Fernau.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

Articles 3 (1) and 5 amend the Aliens Order, 1920, so that in general an alien travelling by sea or air between Great Britain and any part of Ireland,

or between Northern Ireland and the Republic of Ireland, will no longer require the leave of an immigration officer to land or embark, as the case may be, in the United Kingdom.

Article 8 imposes restrictions on an alien landing in the United Kingdom if he comes from abroad via the Republic of Ireland and does not require the leave of an immigration officer to land in the United Kingdom.

An alien who is subject to conditions imposed on his landing in the United Kingdom will, by reason of Article 3 (2), remain subject to those conditions on returning to the United Kingdom after a visit to the Republic of Ireland as an alien so remains at present on returning to Great Britain after a visit to the Channel Islands or Isle of Man.

Article 11 contains transitional provisions, and the other provisions of the Order are consequential upon Articles 3 (1) and 5.

1952 No. 710

The Aliens (Approved Ports) Order, 1952

Made - - - -	*2nd April,* 1952
Coming into Operation	*7th April,* 1952

Whereas it is provided by paragraph (3) of Article 2 of the Aliens Order, 1920(a), that the Secretary of State may by order remove any port from the list of approved ports, being ports approved for the purposes of that Order:

Now I, in pursuance of the power conferred upon me by the said paragraph (3), hereby order as follows:—

1. There shall be removed from the list of approved ports the undermentioned ports, namely—

Ardrossan
Fishguard
Heysham
Holyhead
Larne
Londonderry
Stranraer.

2.—(1) This Order may be cited as the Aliens (Approved Ports) Order, 1952.

(2) This Order shall come into operation on the seventh day of April, 1952.

David Maxwell Fyfe,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.

2nd April, 1952.

(a) S.R. & O. 1920/448; Rev. II, p. 1; 1920 I, p. 138.