STATUTORY INSTRUMENTS

1968 No. 284

COMMONWEALTH IMMIGRANTS

The Commonwealth Immigrants (Exemption from Restrictions on Landing) Order 1968

Made - - -	1*st March* 1968
Laid before Parliament	5*th March* 1968
Coming into Operation	9*th March* 1968

In exercise of the powers conferred on me by section 4A(3) of the Commonwealth Immigrants Act 1962(a), as amended by the Commonwealth Immigrants Act 1968(b), I hereby make the following Order:—

1. Subsection (1) of section 4A of the Commonwealth Immigrants Act 1962, as amended by the Commonwealth Immigrants Act 1968, (under which it is an offence for a Commonwealth citizen to whom section 1 of the said Act of 1962 applies to land in the United Kingdom without fulfilling specified conditions as to examination by an immigration officer) shall not apply to a person who lands in the United Kingdom in any such circumstances or combination of circumstances specified in the Schedule hereto as are applicable in his case.

2.—(1) The expressions used in this Order shall have the same respective meanings as in section 4A of the Commonwealth Immigrants Act 1962.

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

3. This Order may be cited as the Commonwealth Immigrants (Exemption from Restrictions on Landing) Order 1968 and shall come into operation on 9th March 1968.

James Callaghan,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
1st March 1968.

(a) 1962 c. 21. (b) 1968 c. 9. (c) 1889 c. 63.

SCHEDULE

1. In the case of a member of the crew of a ship, section 4A(1) shall not apply if he lands from that ship and leaves in that ship from the place where he landed.

2. In the case of a member of the crew of an aircraft, section 4A(1) shall not apply if he lands from that aircraft and leaves the United Kingdom in the same or another aircraft before the end of the period of 7 days from the day on which he landed.

3. In the case of any person landing from an aircraft, section 4A(1) shall not apply if he so lands for the sole purpose of embarking in the same or another aircraft at the place where he lands and if, throughout the period between his landing and embarking, he remains within such premises or limits as may be approved in that behalf by an immigration officer.

4. In the case of any person landing in the United Kingdom from a ship or aircraft which started its voyage at a place in the United Kingdom, section 4A(1) shall not apply if the ship or aircraft has not during its voyage called at any place outside the United Kingdom.

5. In the case of any person landing in the United Kingdom from a ship which started its voyage at a place in the Republic of Ireland, section 4A(1) shall not apply if the ship has not during its voyage called at any place which is neither in that Republic nor in the United Kingdom.

6. In the case of any person landing in the United Kingdom from an aircraft coming from a place in the Republic of Ireland, section 4A(1) shall not apply unless he entered that Republic in the course of his journey to the United Kingdom in an aircraft which started its voyage at a place which is neither in that Republic nor in the United Kingdom and he did not obtain leave to land in that Republic under the law in force there.

7. In the case of any person landing in the Channel Islands or the Isle of Man, section 4A(1) shall not apply if—

(*a*) while on board the ship or aircraft from which he lands he has been examined by the appropriate officer; or

(*b*) he lands in accordance with arrangements approved by the appropriate officer and on landing submits to examination in accordance with those arrangements; or

(*c*) it would not apply by virtue of paragraph 3 of this Schedule if the reference in that paragraph to an immigration officer were a reference to the appropriate officer;

and in this paragraph the expression "the appropriate officer" means, in relation to the Bailiwick of Guernsey or to the Isle of Man, an immigration officer within the meaning of the Commonwealth Immigrants Act 1962 as extended thereto by virtue of section 18 thereof and, in relation to the Bailiwick of Jersey, an aliens officer.

EXPLANATORY NOTE

(This Note is not part of the Order.)

Section 4A of the Commonwealth Immigrants Act 1962 (as set out in section 3 of the Commonwealth Immigrants Act 1968) makes it an offence for a person subject to immigration control under the Act of 1962 to land in the United Kingdom without fulfilling specified conditions as to examination by an immigration officer, unless the person lands in circumstances prescribed in an order made by the Secretary of State under the section. The section has effect as if the Channel Islands and the Isle of Man were included in the United Kingdom.

This Order is made under section 4A and Article 2(1) provides that it shall be construed in like manner as that section; any reference in the Order to the United Kingdom therefore includes a reference to the Channel Islands and the Isle of Man.

The circumstances in which a person may lawfully land in the United Kingdom, the Channel Islands or the Isle of Man without fulfilling the conditions specified in the section are set out in the Schedule to the Order. Paragraphs 1 and 2 relate to the crews of ships and aircraft. Paragraph 3 relates to passengers by air who land temporarily at an airport and continue their flight in the same or another aircraft. Paragraph 4 relates to landing from ships and aircraft which call only at places in the United Kingdom, the Channel Islands or the Isle of Man. Paragraphs 5 and 6 relate to landing from a ship which started its voyage in, or from an aircraft coming from, the Republic of Ireland. Paragraph 7 relates to persons landing in the Channel Islands or the Isle of Man (where immigration control is carried out by locally appointed officers).