STATUTORY INSTRUMENTS

1962 No. 1341

COMMONWEALTH IMMIGRANTS

The Commonwealth Immigrants (Guernsey) Order 1962

Made - - - - 27*th June* 1962
Coming into Operation 1*st July* 1962

At the Court at Buckingham Palace, the 27th day of June 1962

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the power conferred on Her by section 18 (2) of the Commonwealth Immigrants Act 1962(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) Subject to the provisions of this Order, the Commonwealth Immigrants Act 1962 (in this Order referred to as "the Act") shall extend to the Bailiwick of Guernsey.

(2) In its application to the Bailiwick of Guernsey by virtue of this Order, the Act shall have effect with the omission of the following provisions, that is to say, sections 3 (4) and (5), 7 (4), 8 (5) and (6), 9 (4), 16 (5) and (6), 19 and 20 (3) and paragraphs 5 (2) and 7 (3) of Schedule 1.

(3) The remaining provisions of the Act shall have effect in the Bailiwick of Guernsey subject to the adaptations and modifications set out in Schedule 1 to this Order.

(4) This Order does not affect the application to Guernsey, by virtue of section 33 of the British Nationality Act 1948(b), of those provisions of the Act which amend that Act.

2.—(1) This Order may be cited as the Commonwealth Immigrants (Guernsey) Order 1962 and shall come into operation on 1st July 1962.

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

W. G. Agnew.

(a) 10 & 11 Eliz. 2. c. 21. (b) 11 & 12 Geo. 6. c. 56. (c) 52 & 53 Vict. c. 63.

SCHEDULE 1

ADAPTATIONS AND MODIFICATIONS

PART I

General

1. For any reference to the United Kingdom (except references which, by virtue of section 18 (1) of the Act, include references to the Channel Islands and the Isle of Man, and except the references in the definition in section 21 (2) of the Act and in the expression "citizen of the United Kingdom and Colonies") there shall be substituted a reference to the Bailiwick of Guernsey.

2. For any reference to the Secretary of State (except the references in sections 15 (2) and (3), 17 (3) and (4) and 18 (4)) there shall be substituted a reference to the Lieutenant-Governor, and any reference to the Secretary of State in section 15 (2) and (3) shall be construed as including a reference to the Lieutenant-Governor.

3. For any reference to a constable there shall be substituted a reference to a member of the Island Police Force.

4. Any reference to the Act or any provision thereof shall, except where the context otherwise requires, be construed as a reference to the Act or that provision as extended to the Bailiwick of Guernsey by this Order.

PART II

Particular adaptations and modifications

5. In section 2 (3) (*a*) for the words "the Minister of Labour or the Ministry of Labour and National Insurance for Northern Ireland" there shall be substituted the words "the States Board of Administration".

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6. In section 5 (2) for the words "subsection (2) of section thirty-eight of the Interpretation Act, 1889" there shall be substituted the words "subsection (2) of section nineteen of the Interpretation (Guernsey) Law 1948".

7. For section 8 (2) there shall be substituted the following subsection:—

"(2) The power of a court to adjourn shall include power to adjourn, after convicting an offender, for the purpose of enabling a notice to be given to him under subsection (1) of this section or, if such a notice was given to him less than seven days previously, for the purpose of enabling the necessary seven days to elapse.".

8. In section 8 (4) the words "and, in Northern Ireland, on conviction and sentence of imprisonment" shall be omitted.

9. In section 13 (2) for the words "the Secretary of State" there shall be substituted the words "the Lieutenant-Governor or the States Board of Administration".

10. In section 16—

(*a*) for any reference to the Minister of Health there shall be substituted a reference to the States Board of Health;

(*b*) for subsection (1) there shall be substituted the following subsection:—

"(1) Immigration officers for the purposes of this Act shall be appointed by the States Board of Administration with the concurrence of the Lieutenant-Governor, and that Board may with the concurrence aforesaid arrange for the employment of customs or other officers as immigration officers under this Act.";

(*c*) in subsection (3) for the words "the Secretary of State" there shall be substituted the words "the Lieutenant-Governor or the States Board of Administration".

11. After section 17 (4) there shall be inserted the following subsection:—

"(4A) An order made by the Secretary of State under subsection (3) of this section shall not come into force in the Bailiwick of Guernsey until it has been registered by the Royal Court.".

12. In section 18 (3) for the words from "any of the Islands" to the end there shall be substituted the words "the United Kingdom, the Bailiwick of Jersey or the Isle of Man under this Act".

13. For the enactments specified in section 20 (1) there shall be substituted a reference to paragraph (5) of Article two of the Matrimonial Causes Law (Guernsey) 1939.

14. At the end of the definition of "enactment" in section 21 (2) there shall be added the words "or of the States of Guernsey".

15. For section 21 (5) there shall be substituted the following subsection:—

"(5) This Act shall come into operation in the Bailiwick of Guernsey on 1st July 1962.".

16. In paragraph 3 (2) of Schedule 1 the words from "but in any such case" to the end shall be omitted.

17. In paragraph 1 (3) of Schedule 2 the words from "and except so far" to the end shall be omitted.

18. For Schedule 3 there shall be substituted the Schedule set out in Schedule 2 to this Order.

SCHEDULE 2

SCHEDULE 3 TO ACT AS SUBSTITUTED BY PARAGRAPH 18 OF SCHEDULE 1 TO ORDER

EFFECT IN GUERNSEY OF ACTION TAKEN IN THE UNITED KINGDOM, JERSEY OR THE ISLE OF MAN

Refusal of admission

1.—(1) Where a Commonwealth citizen who has been refused admission into the United Kingdom, Jersey or the Isle of Man under section 2 of this Act enters the Bailiwick of Guernsey without being examined in pursuance of Part I of Schedule 1 to this Act, the notice under the said Part I refusing him such admission shall, unless previously cancelled under this Act, have effect as if it were a notice under the said Part I refusing him admission into the Bailiwick of Guernsey, and had been given to him when he landed in the Bailiwick of Guernsey; and the provisions of this Act with respect to such refusals of admission and notices (including in particular paragraph 2 (4) of the said Schedule 1) shall apply accordingly.

(2) Where a notice refusing any person admission into the United Kingdom, Jersey or the Isle of Man is cancelled under Part I of Schedule 1 to this Act as applied by this paragraph, the cancellation shall have effect at any time thereafter when the notice would, apart from the cancellation, have effect by virtue of this paragraph as a notice refusing that person admission into the Bailiwick of Guernsey.

Conditional admission

2.—(1) Where a Commonwealth citizen who has been admitted into the United Kingdom, Jersey or the Isle of Man subject to conditions under section 2 of this Act enters the Bailiwick of Guernsey without being examined in pursuance of Part I of Schedule 1 to this Act, those conditions shall, unless they have previously been revoked or ceased to have effect under this Act,

apply to him while in the Bailiwick of Guernsey as if they were specified in a notice under the said Part I admitting him into the Bailiwick of Guernsey subject to those conditions; and the provisions of this Act with respect to such conditions and notices shall apply accordingly.

(2) In the application by virtue of this paragraph of any condition limiting the period for which a Commonwealth citizen may remain in the United Kingdom, Jersey or the Isle of Man, the condition shall be treated as if it provided that he shall not remain in the Bailiwick of Guernsey after the expiration of the period specified therein.

(3) Where a condition imposed upon any person in the United Kingdom, Jersey or the Isle of Man is revoked or varied by the Lieutenant-Governor under Part I of Schedule 1 to this Act as applied by this paragraph, the revocation or variation shall have effect at any time thereafter when the condition would, apart from the revocation or variation, apply to that person by virtue of this paragraph while in the Bailiwick of Guernsey.

Cesser of Guernsey notices and conditions on landing in the United Kingdom, Jersey or the Isle of Man

3. Any notice under paragraph 2 of Schedule 1 to this Act refusing a person admission into the Bailiwick of Guernsey or admitting him there subject to conditions, and any condition specified in such a notice, shall, unless previously cancelled or revoked under that Schedule, cease to have effect if that person lands or seeks to land in the United Kingdom, Jersey or the Isle of Man and is on that occasion examined in pursuance of Part I of that Schedule.

Deportation

4.—(1) Subject to the provisions of this paragraph, a deportation order made in the United Kingdom, Jersey or the Isle of Man under Part II of this Act shall have effect, in the Bailiwick of Guernsey, as if it were a deportation order made by the Lieutenant-Governor requiring the person to whom it relates to leave the Bailiwick of Guernsey and prohibiting him from returning there; and section 10 of this Act shall apply accordingly with the necessary modifications.

(2) The Lieutenant-Governor may in any particular case direct that subparagraph (1) of this paragraph shall not apply in relation to a deportation order made in the United Kingdom, Jersey or the Isle of Man; and nothing in this paragraph shall render it unlawful for a person in respect of whom a deportation order made in the United Kingdom, Jersey or the Isle of Man is in force to enter the Bailiwick of Guernsey on his way therefrom to a place outside the Bailiwick of Guernsey.

Interpretation

5. Any reference in this Schedule to this Act or any provision of this Act shall be construed, in relation to anything done in Jersey or the Isle of Man, as a reference to this Act or that provision as extended thereto under section 18 of this Act.

EXPLANATORY NOTE

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

This Order extends the Commonwealth Immigrants Act 1962 to the Bailiwick of Guernsey with minor modifications.