STATUTORY INSTRUMENTS

1962 No. 1340

COMMONWEALTH IMMIGRANTS

The Commonwealth Immigrants (Jersey) 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 Jersey.

(2) In its application to the Bailiwick of Jersey 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 (1), (2), (3), (5) and (6), 19 and 20 (1) and (3).

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

(4) This Order does not affect the application to Jersey, 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 (Jersey) 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.

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 Jersey.

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

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) and paragraphs 5 and 7 of Schedule 1) 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 police officer, for any reference to an immigration officer there shall be substituted a reference to an aliens officer and for any reference to a medical inspector there shall be substituted a reference to the Medical Officer of Health.

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 Jersey 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 Defence Committee".

6. In section 2 (4) (*a*) for the words "duly qualified medical practitioner" there shall be substituted the words "registered medical practitioner within the meaning of the Medical Practitioners (Registration) (Jersey) Law, 1960".

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6A. In section 8 (2) for the words from "subsection (3)" to "Northern Ireland" there shall be substituted the words "Article 16 of the 'Loi (1864) réglant la procédure criminelle'".

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

9. In section 14 (1) the words "on summary conviction" shall be omitted.

10. In section 14 (3) the words "without warrant" shall be omitted.

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 Jersey 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 Guernsey or the Isle of Man under this Act".

13. At the end of the definiton of "enactment" in section 21 (2) there shall be added the words "or of the States of Jersey".

14. In section 21 (2) the definition of "immigration officer" shall be omitted.

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

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

16. In paragraph 5 (1) of Schedule 1 for the words "the Secretary of State" in both places where those words occur there shall be substituted the words "the Defence Committee".

17. For paragraph 5 (2) of Schedule 1 there shall be substituted the following sub-paragraph:—

"(2) The Subordinate Legislation (Jersey) Law, 1960, shall apply to orders made under this paragraph.".

18. In paragraph 7 (2) of Schedule 1 for the words "the Secretary of State" there shall be substituted the words "the Defence Committee".

19. For paragraph 7 (3) of Schedule 1 there shall be substituted the following sub-paragraph:—

"(3) The Subordinate Legislation (Jersey) Law, 1960, shall apply to orders made under this paragraph.".

20. 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 20 OF SCHEDULE 1 TO ORDER

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

Refusal of admission

1.—(1) Where a Commonwealth citizen who has been refused admission into the United Kingdom, the Bailiwick of Guernsey or the Isle of Man under section 2 of this Act enters the Bailiwick of Jersey 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 Jersey and had been given to him when he landed in the Bailiwick of Jersey; 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, the Bailiwick of Guernsey 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 Jersey.

Conditional admission

2.—(1) Where a Commonwealth citizen who has been admitted into the United Kingdom, the Bailiwick of Guernsey or the Isle of Man subject to conditions under section 2 of this Act enters the Bailiwick of Jersey 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 Jersey as if they were specified in a notice under the said Part I admitting him into the Bailiwick of Jersey 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, the Bailiwick of Guernsey or the Isle of Man, the condition shall be treated as if it provided that he shall not remain in the Bailiwick of Jersey after the expiration of the period specified therein.

(3) Where a condition imposed upon any person in the United Kingdom, the Bailiwick of Guernsey 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 Jersey.

Cesser of Jersey notices and conditions on landing in the United Kingdom, Guernsey 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 Jersey 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, the Bailiwick of Guernsey 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, the Bailiwick of Guernsey or the Isle of Man under Part II of this Act shall have effect, in the Bailiwick of Jersey, as if it were a deportation order made by the Lieutenant-Governor requiring the person to whom it relates to leave the Bailiwick of Jersey 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, the Bailiwick of Guernsey 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, the Bailiwick of Guernsey or the Isle of Man is in force to enter the Bailiwick of Jersey on his way therefrom to a place outside the Bailiwick of Jersey.

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 the Bailiwick of Guernsey 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 Jersey with minor modifications.