

SCHEDULE 3

Article 2(c)

Modifications of Schedule 1 to the Counter-Terrorism and Security Act 2015 as it extends to Jersey

1. In paragraph 1 (Interpretation)—
 - (a) after sub-paragraph (1) insert—
 - “(1A) “Jersey” means the Bailiwick of Jersey.
 - (1B) “Minister” means the Minister for Home Affairs.”;
 - (b) in sub-paragraph (2) after “Immigration Act 1971” insert “, as extended to Jersey by the Immigration (Jersey) Order 1993(1)”;
 - (c) in sub-paragraph (3) for all the words after “designated as” substitute “an officer of the Impôts within the meaning of Article 4 of the Customs and Excise (Jersey) Law 1999(2).”;
 - (d) after sub-paragraph (3) insert—
 - “(3A) “Police officer” has the same meaning as in Part 1 of the Schedule to the Interpretation (Jersey) Law 1954.”;
 - (e) in sub-paragraph (4) for “Secretary of State” substitute “Minister”;
 - (f) in sub-paragraph (5) for “superintendent” substitute “chief inspector”;
 - (g) for sub-paragraph (6)(b) substitute—
 - “(b) a ticket or other document that permits a person to make a journey by any means from Jersey to a place outside Great Britain or the Bailiwick of Guernsey or the Isle of Man.”;
 - (h) in sub-paragraph (7)—
 - (i) in paragraph (a) after “Immigration Act 1971” insert “, as extended to Jersey by the Immigration (Jersey) Order 1993”;
 - (ii) in paragraph (b) for “United Kingdom” substitute “British Islands”;
 - (i) in sub-paragraph (8)—
 - (i) omit paragraphs (c), (d) and (e);
 - (ii) in paragraph (f) for “Great Britain or Northern Ireland” substitute “Jersey”;
 - (j) omit sub-paragraph (9);
 - (k) for sub-paragraphs (11) and (12) substitute—
 - “(11) “Terrorism” and “terrorist” have the same meaning as in the Terrorism (Jersey) Law 2002 (see Articles 2 and 36 of that Law).
 - (12) “Judicial authority” means the Juge d’Instruction appointed in pursuance of the Loi (1864) concernant la charge de Juge d’Instruction(3) and includes any person exercising the functions of the Juge d’Instruction.”;
 - (l) omit sub-paragraphs (13) and (14);
 - (m) after sub-paragraph (15) insert—
 - “(16) The standard scale” means the scale set out in the Schedule to the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993(4).”.
2. In paragraph 2 (Powers of search and seizure etc)—

(1) Revised Edition: Chapter 21.700.
(2) Revised Edition: Chapter 24.660.
(3) Revised Edition: Chapter 07.525.
(4) Revised Edition: Chapter 08.360.

Status: This is the original version (as it was originally made).

- (a) in sub-paragraph (1)—
 - (i) for “Great Britain” wherever it occurs substitute “Jersey”;
 - (ii) for “constable” substitute “police officer”;
 - (iii) for “United Kingdom” (in paragraph (a)) substitute “British Islands”;
 - (b) omit sub-paragraph (2);
 - (c) in sub-paragraphs (3) and (4) for “constable” substitute “police officer”;
 - (d) in sub-paragraph (5)—
 - (i) for “constable” wherever it occurs substitute “police officer”;
 - (ii) for “or officer” (in paragraphs (b) and (d)) substitute “or the qualified officer”;
 - (e) in sub-paragraph (7)—
 - (i) for “constable” substitute “police officer”;
 - (ii) in paragraph (c) for “constable’s or officer’s” substitute “police officer’s or qualified officer’s”;
 - (f) for sub-paragraph (8) substitute—
 - “(8) A police officer or qualified officer exercising a power in sub-paragraph (5)(a) or (b) must tell the person that—
 - (a) the person is suspected of intending to leave Jersey for the purpose of involvement in terrorism-related activity outside the British Islands, and
 - (b) the police officer or the qualified officer is therefore entitled under this Schedule to exercise the power.”;
 - (g) in sub-paragraph (9)—
 - (i) for “constable” in both places substitute “police officer”;
 - (ii) for “The officer or official” substitute “The immigration officer or customs official”.
- 3.** In paragraph 3 (Travel documents in possession of immigration officers or customs officials) in sub-paragraph (1) for “constable” wherever it occurs substitute “police officer”.
- 4.** In paragraph 4 (Authorisation by senior police officer for retention of travel document)—
 - (a) for “constable” wherever it occurs substitute “police officer”;
 - (b) in sub-paragraph (3)—
 - (i) for paragraph (a) substitute—
 - “(a) the person is suspected of intending to leave Jersey for the purpose of involvement in terrorism-related activity outside the British Islands, and”;
 - (ii) in paragraph (b) for “or officer” substitute “or qualified officer”;
 - (c) in sub-paragraph (4) for paragraph (a) substitute—
 - “(a) the person is suspected of intending to leave Jersey for the purpose of involvement in terrorism-related activity outside the British Islands, and”.
- 5.** In paragraph 5 (Retention or return of documents seized)—
 - (a) in sub-paragraph (1)—
 - (i) in paragraph (a) for “the Secretary of State considers” substitute “consideration is given to”;
 - (ii) in paragraph (c) for “Secretary of State” substitute “Minister”;
 - (b) in sub-paragraphs (4) and (5) for “constable” substitute “police officer”;

- (c) in sub-paragraph (5)—
 - (i) for “Great Britain or (as the case may be) the United Kingdom” substitute “Jersey”;
 - (ii) for “outside the United Kingdom” substitute “outside the British Islands”.
- 6. In paragraph 6 (Review of retention of travel documents)—
 - (a) in sub-paragraph (1)(b) for “constable” substitute “police officer”;
 - (b) in sub-paragraph (2)(a) omit “chief”;
 - (c) in sub-paragraphs (3)(c) and (4) for “relevant chief constable” substitute “Chief Officer”;
 - (d) in sub-paragraph (5) for “Secretary of State” substitute “Minister”;
 - (e) in sub-paragraph (6) for the definition of “relevant chief constable” substitute—
“Chief Officer means the Chief Officer of the States of Jersey Police Force.”.
- 7. For paragraph 7 (Detention of document for criminal proceedings etc) substitute—
“Detention of document for criminal proceedings etc
7(1) A requirement under paragraph 4 or 5 to return a travel document in the possession of a police officer or qualified officer does not apply while either officer has power to detain it under sub-paragraph (2).
 - (2) Either officer may detain the document—
 - (a) while he or she believes that it may be needed for use as evidence in criminal proceedings, or
 - (b) while he or she believes that it may be needed in connection with a decision by the Minister whether to make a deportation order under the Immigration Act 1971.”.
- 8. In paragraph 10 (Extension of 14-day period by judicial authority) in sub-paragraph (2)—
 - (a) in paragraph (a) for “section 40(1)(a) of the Terrorism Act 2000” substitute “Article 36(a) of the Terrorism (Jersey) Law 2002”;
 - (b) in paragraph (c) for “section 23 or 23A of that Act” substitute “Article 27 of (and Schedule 3 to) that Law”.
- 9. In paragraph 14 (Persons unable to leave the United Kingdom)—
 - (a) for “the United Kingdom” wherever it occurs (including the heading) substitute “Jersey”;
 - (b) in sub-paragraph (2) for “Secretary of State” substitute “Minister”.
- 10. In paragraph 15 (Offences) for sub-paragraph (3) substitute—
“(3) A person guilty of an offence under this paragraph is liable to imprisonment for a term not exceeding 6 months, or to a fine not exceeding level 3 on the standard scale, or to both.”.
- 11. In paragraph 16 (Offences) for “constable” substitute “police officer”.
- 12. In paragraph 17 (Accredited immigration officers and customs officials)—
 - (a) for “Secretary of State” in sub-paragraph (1) substitute “Minister”;
 - (b) for “constable” in sub-paragraphs (2) and (5) substitute “police officer”.
- 13. In paragraph 18 (Code of practice)—
 - (a) in sub-paragraph (1) for “Secretary of State” substitute “Minister”;
 - (b) in sub-paragraph (2)(c) for “constables” substitute “police officers”;
 - (c) in sub-paragraphs (3) and (4) for “constable” substitute “police officer”.

Status: *This is the original version (as it was originally made).*

14. Omit paragraph 19 (Publication of code in draft etc).
15. In paragraph 20 (Revisions to code of practice)—
 - (a) in sub-paragraph (1) for “Secretary of State” substitute “Minister”;
 - (b) omit sub-paragraph (2).