

SCHEDULE 3

Article 4

Extension and modification of provisions of the UK Borders Act 2007

| <i>Column 1</i> | <i>Column 2</i> |
|---------------------------|--|
| <i>Provision</i> | <i>Modifications</i> |
| Section 5 of the 2007 Act | <p>In subsection (1), for “Secretary of State”, substitute “Committee”.</p> <p>In subsection (2)(g), (h) and (i), for “Secretary of State” wherever that expression occurs, substitute “prescribed authority”.</p> <p>In subsection (3) –</p> <p>(a) for “Secretary of State”, wherever that expression occurs, substitute “prescribed authority”, and</p> <p>(b) for “United Kingdom” wherever that expression occurs, substitute “Bailiwick of Guernsey”.</p> <p>In subsection (4) –</p> <p>(a) for “Secretary of State”, substitute “prescribed authority”, and</p> <p>(b) in paragraph (d), for “United Kingdom”, substitute “Bailiwick of Guernsey” and immediately after “(immigration rules)” insert “or directions under section 3A or 3B of that Act”.</p> <p>In subsection (5) –</p> <p>(a) for “Secretary of State”, wherever that expression occurs, substitute “prescribed authority”, and</p> <p>(b) in paragraph (d), for “Secretary of State’s”, substitute “prescribed authority’s”.</p> <p>In subsection (9) –</p> <p>(a) immediately after “(c 77)”, insert “or directions under section 3A or 3B of that Act”, and</p> <p>(b) for “Secretary of State”, substitute “prescribed authority”.</p> |

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| Section 6 of the 2007 Act | <p>Omit subsection (10).</p> <p>In subsection (4), immediately after “(immigration rules)”, insert “or directions under section 3A or 3B of that Act”.</p> <p>In subsection (5), for “Secretary of State’s”, substitute “prescribed authority’s”.</p> <p>Omit subsection (6).</p> |
| Section 7 of the 2007 Act; as amended by section 11 of the 2014 Act | <p>In subsection (2) –</p> <p>(a) in paragraph (c), for “United Kingdom”, substitute “Bailiwick of Guernsey”, and</p> <p>(b) in paragraphs (d) and (e), for “Secretary of State” wherever that expression occurs, substitute “prescribed authority”.</p> <p>In subsection (3), for “Secretary of State”, substitute “prescribed authority”.</p> |
| Section 8 of the 2007 Act; as substituted by section 14(1) of the 2014 Act | <p>In subsection (1) –</p> <p>(a) for “Secretary of State” the first time that expression occurs, substitute “Committee”, and</p> <p>(b) for “Secretary of State” the second time that expression occurs, substitute “prescribed authority”.</p> <p>In subsection (2), for “Secretary of State”, substitute “prescribed authority”.</p> <p>In subsection (3)(b), for “Secretary of State”, substitute “prescribed authority”.</p> <p>In subsection (5) –</p> <p>(a) for “Secretary of State” wherever that expression occurs, substitute “prescribed authority”, and</p> <p>(b) in paragraph (b), for “United Kingdom”, substitute “Bailiwick of Guernsey”.</p> <p>In subsections (6)(b) and (8)(a) and (b), for “Secretary of State” wherever that expression occurs, substitute “prescribed authority”.</p> <p>Omit subsection (9).</p> |

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| Section 9 of the 2007 Act | <p>In subsection (1) –</p> <p>(a) for “Secretary of State”, substitute “Committee”, and</p> <p>(b) immediately after “pay a”, insert “civil”.</p> <p>In subsection (2)(b) and (d), for “Secretary of State” wherever that expression occurs, substitute “Committee”.</p> <p>In subsection (3), for “£1,000”, substitute –</p> <p>“–</p> <p>(a) £1,000, or</p> <p>(b) any other amount that may be prescribed by order of the Lieutenant Governor to reflect a change in the value of money.”.</p> <p>For subsection (6), substitute the following subsection –</p> <p>“(6) For the avoidance of doubt, the Guernsey Statutory Instruments (Registration) Ordinance, 1949 applies to an order under subsection (3) (b).”.</p> |
| Section 10 of the 2007 Act | <p>In subsections (1), (3) and (4), for “Secretary of State” wherever that expression occurs, substitute “Committee”.</p> |
| Section 11 of the 2007 Act | <p>In subsection (1), for “–” and paragraphs (a) and (b), substitute “the Court”.</p> <p>In subsection (3), for “court or sheriff”, wherever that expression occurs, substitute “Court”.</p> <p>In subsection (4)(b), for “Secretary of State’s”, substitute “Committee’s”.</p> <p>In subsection (5), for “court or sheriff” and “Secretary of State” respectively, substitute “Court” and “Committee”.</p> <p>In subsection (6), immediately after “section”, insert “, but in the absence of such rules, an appeal must be brought within 28 days</p> |

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| | <p>of P being given the penalty notice under section 9(1)".</p> <p>Immediately after subsection (6), insert the following subsection –</p> <p>“(7) In this section, “the Court”, in relation to any appeal, means–</p> <p>(a) if the appellant is ordinarily resident in Alderney, the Court of Alderney,</p> <p>(b) if the appellant is ordinarily resident in Sark, the Court of the Seneschal, and</p> <p>(c) in any other case, the Royal Court of Guernsey.”.</p> |
| Section 12 of the 2007 Act | <p>In subsections (1), (2), (3) and (5), for “Secretary of State” wherever that expression occurs, substitute “Committee”.</p> <p>In subsection (5), for “Consolidated Fund”, substitute “general revenue account of the States of Guernsey”.</p> |
| Section 13 of the 2007 Act | <p>In subsection (1), for “Secretary of State shall”, substitute “Committee may”.</p> <p>In subsection (2), for “Secretary of State”, substitute “Committee”.</p> <p>In subsection (3), delete “or the sheriff”.</p> <p>In subsection (4), for “Secretary of State”, substitute “Committee”.</p> <p>In subsection (5) –</p> <p>(a) for “Secretary of State”, substitute “Committee”, and</p> <p>(b) omit paragraph (c).</p> |
| Section 14 of the 2007 Act | <p>In subsection (1), for “Secretary of State by order”, substitute “Committee by regulations”.</p> <p>For subsections (2) and (3), substitute the following subsections –</p> <p>“(2) Regulations under this Act–</p> |

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| | (a) may be amended or repealed by subsequent regulations made under this Act, |
| | (b) may contain such consequential, incidental, supplemental and transitional provision as may appear to the Committee to be necessary or expedient, and |
| | (c) must be laid before a meeting of the States of Deliberation as soon as possible and, if at that or the next meeting the States of Deliberation resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new regulations. |
| | (3) Any power conferred by this Act to make regulations may be exercised – |
| | (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases; |
| | (b) so as to make, as respects the cases in relation to which it is exercised- |
| | (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise); |
| | (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes; |
| | (iii) any such provision either unconditionally or subject to any conditions specified in the regulations.”. |
| Section 15 of the 2007 Act; as amended by section 12(2) and (3) of the 2014 Act; | In subsection (1) – |
| | (a) for “section 5”, substitute “this Act”, |
| | (b) in paragraph (a), for “United Kingdom”, substitute “Bailiwick of Guernsey”, |
| | (c) immediately after paragraph (e), insert the following paragraphs – |

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| Section 61 of the 2007 Act | <p>“(ea) “the Committee” means the States of Guernsey Committee for Home Affairs,</p> <p>(eb) “prescribed authority” means the Committee, the Lieutenant Governor, any other person or any two or more of these persons, as prescribed by the regulations,” and</p> <p>(d) in paragraph (g), for “the Secretary of State” wherever that expression occurs, substitute “a prescribed authority”.</p> <p>In subsection (1A) –</p> <p>(a) for “section 5”, substitute “this Act”, and</p> <p>(b) in paragraph (b), for “specified in an order made by the Secretary of State”, substitute “prescribed by regulations made by the Committee”.</p> <p>In subsection (1B), for “An order”, substitute “Regulations”.</p> <p>Omit subsection (1C).</p> <p>In subsection (2) –</p> <p>(a) for “–” and paragraphs (a) and (b), substitute “sections 67A, 67B, 67C and 68 of the Immigration Act 2014;”, and</p> <p>(b) for “either”, substitute “any”.</p> <p>In subsection (2) –</p> <p>(a) omit paragraphs (c), (g) and (k), and</p> <p>(b) after paragraph (j), omit “and” and insert “to the extent that those enactments are extended (with modifications, if any) to the Bailiwick of Guernsey.”.</p> <p>Omit subsections (3) and (4).</p> |