

SCHEDULE 1

Article 3(1)

PART I

THE 1971 ACT

1. In section 1 (general principles)(1)—
 - (a) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Guernsey”;
 - (b) in subsection (3) for the words “any of the Islands (that is to say, the Channel Islands and the Isle of Man)” substitute “the United Kingdom, the Bailiwick of Jersey, the Isle of Man”; and
 - (c) in subsection (4) for the words “laid down by the Secretary of State” substitute “made by the Board”.
2. In section 2 (right of abode)(2) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Guernsey”.
3. In section 3 (general provisions for regulation and control)(3)—
 - (a) in subsection (1)—
 - (i) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Guernsey”, and
 - (ii) in paragraph (c) for the words “with the police” substitute “as provided under section 4(3) below”;
 - (b) in subsection (2)—
 - (i) for the words from “The Secretary of State” to “laid down by him” substitute “The Board may from time to time make rules”,
 - (ii) for the words “United Kingdom” substitute “Bailiwick of Guernsey”, and
 - (iii) for the words from “If a statement” to “as aforesaid.” substitute—

“As soon as may be after the making of any such rules the Board shall lay them before the States and, if at the meeting at which they are laid or at the next subsequent meeting the States resolve that the rules shall be disapproved, then the Board shall, as soon as may be, revoke or amend those rules by further rules, as appears to them requisite in the circumstances; and the provisions of this paragraph shall apply in relation to such further rules.”;
 - (c) in subsections (3) to (7) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Guernsey”;
 - (d) in subsection (5) for the words “Secretary of State” substitute “Lieutenant-Governor”;
 - (e) in subsection (7) omit the words from “Any Order in Council” to the end; and
 - (f) in subsection (9) for the words “United Kingdom”, in the first and fourth places in which they occur, substitute “Bailiwick of Guernsey”.

(1) Section 1(5) was repealed by the Immigration Act 1988, section 1.

(2) Section 2 was substituted by the British Nationality Act 1981, section 39(2), and amended by the Immigration Act 1988, section 3(3).

(3) Section 3 was amended by the British Nationality Act 1981, section 39(3) and (6) and Schedule 4 paragraphs 2 and 4, and by the Immigration Act 1988, sections 3(1) and 10 and Schedule, paragraph 1.

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4. In section 4 (administration of control)(4)—

- (a) in subsection (1) for the words from “The power” to “Secretary of State” substitute
“The following powers under this Act shall be exercised as hereinafter provided,
that is to say—
- (a) the power to give or refuse leave to enter the Bailiwick of Guernsey shall be exercised by immigration officers,
 - (b) the power to give leave to remain in the Bailiwick of Guernsey, and the power under section 3(3)(a) to vary any leave as regards duration, shall be exercised by the Lieutenant-Governor, and
 - (c) the power under section 3(3)(a) to vary any leave otherwise than as regards duration shall be exercised by the Board”,

and omit the words “made by statutory instrument”;

- (b) in subsection (2) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Guernsey” and omit the words “or through the tunnel system”;
- (c) in subsection (3)—
 - (i) for the words from “The Secretary of State” to “either House of Parliament,” substitute “The States may by Ordinance”,
 - (ii) omit the words “with the police”,
 - (iii) for the words “the regulations”, wherever occurring, substitute “such an Ordinance”,
 - (iv) in paragraph (a) for the words “officers of police” substitute “body or person”, and
 - (v) in paragraph (b) for the words “as to the place” substitute “as to the body or person with whom and as to the place”; and
- (d) in subsection (4) for the words from “The Secretary of State” to “appears to him to be” substitute “The States may by Ordinance make such provision as appears”.

5. In section 5 (deportation)(5)—

- (a) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Guernsey”;
- (b) in subsections (1) and (2) for the words “Secretary of State” substitute “Lieutenant-Governor”; and
- (c) in subsection (6) for the words “Secretary of State” substitute “Board”.

6. In section 6 (recommendations by court for deportation)(6)—

- (a) in subsection (1) omit the words after “sentence him for the offence”;
- (b) in subsection (2) for the words from “adjournment” to “Northern Ireland” substitute “a court to adjourn”;
- (c) in subsection (6) omit the words after “bringing that appeal”; and
- (d) omit subsection (7).

7. In section 7 (exemption from deportation)—

- (a) in subsection (1)—
 - (i) for the words “United Kingdom” where first occurring substitute “Bailiwick of Guernsey”, and

(4) Section 4 was amended by the British Nationality Act 1981, section 39(6) and Schedule 4 paragraph 2, and by S.I. 1990/2227.

(5) Section 5 was amended by the British Nationality Act 1981, section 39(6) and Schedule 4 paragraph 2, and by the Immigration Act 1988, section 10 and Schedule, paragraph 2.

(6) Section 6 was amended by the British Nationality Act 1981, section 39(6) and Schedule 4 paragraph 2.

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- (ii) for the words “Secretary of State’s”, wherever occurring, substitute “Lieutenant-Governor’s”; and
 - (b) in subsection (4) omit the words after “unlawfully at large”.
- 8. In section 8 (exceptions for seamen, etc.)(7)—
 - (a) in subsection (1) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Guernsey”;
 - (b) for subsection (2) substitute—
 - “(2) The Board may, with the concurrence of the Lieutenant-Governor, direct that any particular person or class of persons shall be exempt, either unconditionally or subject to such conditions as the Board may impose, from all or any of the provisions of this Act relating to those who are not British citizens.”;
 - (c) in subsection (3) after the words “otherwise entitled” insert “within the United Kingdom”;
 - (d) in subsections (3A), (4)(b) and (5A), and wherever occurring in subsection (5), for the words “United Kingdom” substitute “Bailiwick of Guernsey”;
 - (e) in subsections (5) and (5A) for the word “order”, wherever occurring, substitute “direction”; and
 - (f) in subsection (6) for the words “United Kingdom”, in the first place in which they occur, substitute “Bailiwick of Guernsey”.
- 9. In section 9 (common travel area)(8)—
 - (a) in subsection (1) omit the words “Subject to subsection (5) below,” and for the words “in the United Kingdom of the operation in any of the Islands” substitute “in the Bailiwick of Guernsey of the operation in the United Kingdom, the Bailiwick of Jersey or the Isle of Man”;
 - (b) in subsection (2)—
 - (i) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Guernsey”;
 - (ii) for the words “any of the Islands” substitute “the United Kingdom, the Bailiwick of Jersey or the Isle of Man”, and
 - (iii) for the words after “register” substitute
 - “as provided under section 4(3) above or both, as may be imposed by order and may be applicable to them; and the power to make an order under this subsection shall be exercised—
 - (a) as respects the period for which persons may remain, by the Lieutenant-Governor, and
 - (b) as respects other conditions, by the Board.”;
 - (c) in subsection (3) for the words “United Kingdom” substitute “Bailiwick of Guernsey”;
 - (d) in subsection (4)—
 - (i) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Guernsey”, and
 - (ii) for the words “Secretary of State” substitute “Lieutenant-Governor”;
 - (e) omit subsection (5);

(7) Section 8 was amended by the British Nationality Act 1981, section 39(4) and (6) and Schedule 4 paragraphs 2 and 5, and by the Immigration Act 1988, section 4.

(8) Section 9 was amended by the British Nationality Act 1981, section 39(6) and Schedule 4 paragraph 2.

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- (f) in subsection (6) for the words “Secretary of State” substitute “Lieutenant-Governor”; and
 - (g) omit subsection (7).
- 10.** In section 11 (construction of references to entry, etc.) **(9)** for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Guernsey” and omit subsection (1A).
- 11.** In section 24 (illegal entry and similar offences) **(10)**—
- (a) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Guernsey”;
 - (b) in subsection (2) for the word “constable” substitute “police officer”; and
 - (c) omit subsection (3).
- 12.** In section 25 (assisting illegal entry, and harbouring) **(11)**—
- (a) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Guernsey”, and
 - (b) omit subsection (4).
- 13.** In section 26 (general offences) **(12)**—
- (a) in subsection (1)(f) for the word “regulations” substitute “an Ordinance” and omit the words “of an order”; and
 - (b) omit subsection (2).
- 14.** In section 27 (offences by persons connected with ships, etc.) **(13)** for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Guernsey” and omit paragraph (d).
- 15.** In section 28 (proceedings) **(14)** omit subsections (1) to (3).
- 16.** In section 29 (contributions for expenses of persons returning abroad) **(15)**—
- (a) for the words “Secretary of State”, wherever occurring, substitute “Board”;
 - (b) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Guernsey”; and
 - (c) in subsection (1) for the words “as he may with the approval of the Treasury” substitute “as it may”.
- 17.** In section 32 (general provisions as to orders, etc.)—
- (a) for the words “the Secretary of State”, wherever occurring, substitute “the Lieutenant-Governor or the Board”;
 - (b) in subsection (2)—
 - (i) after the words “on his behalf”, and
 - (ii) after the words “so given and to be signed by him”,
insert “or, as the case may be, on behalf of the Board”, and after the words “issued by him”
insert “or, as the case may be, by the Board”; and
 - (c) in subsections (3) and (4) omit the words “or proceedings under Part II of this Act”.

(9) Section 11 was amended by S.I. [1990/2227](#).

(10) Section 24 was amended by the British Nationality Act 1981, section 39(6) and Schedule 4 paragraph 2, and by the Immigration Act 1988, sections 6 and 10 and Schedule paragraph 10(3).

(11) Section 25 was amended by the British Nationality Act 1981, section 39(6) and Schedule 4 paragraph 6.

(12) Section 26 was amended by the British Nationality Act 1981, section 39(6) and Schedule 4 paragraph 3(1).

(13) Section 27 was amended by S.I. [1990/2227](#).

(14) Section 28 was amended by the Immigration Act 1988, section 10 and Schedule, paragraph 4.

(15) Section 29 was amended by the British Nationality Act 1981, section 39(6) and Schedule 4 paragraph 2.

18. In section 33 (interpretation)(16)—

(a) in subsection (1)—

(i) after the definition of “aircraft” insert—

““Board” means the States Board of Administration;”,

(ii) in the definitions of “entrant”, “entry clearance” and “limited leave” for the words “United Kingdom” substitute “Bailiwick of Guernsey”,

(iii) for the definition of “immigration rules” substitute—

““immigration rules” means the rules made in pursuance of section 3(2) above and for the time being in force;”,

(iv) for the definition of “legally adopted” substitute—

““legally adopted” means adopted in pursuance of an order made by any court in the United Kingdom and Islands or by any adoption specified as an overseas adoption by Ordinance of the States under section 5 of the Adoption (Guernsey) Law 1970;”,

(v) after that definition insert—

““Lieutenant-Governor” means the person for the time being holding the office of Lieutenant-Governor and Commander-in-Chief of the Island of Guernsey and its Dependencies;”,

(vi) after the definition of “limited leave” and “indefinite leave” insert—

““police officer” means—

(a) in relation to Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey and, within the limit of his jurisdiction, a member of the special constabulary of the Island of Guernsey;

(b) in relation to Alderney, a member of the said police force and a member of any police force which may be established by the States of Alderney; and

(c) in relation to Sark, the Constable, the Vingtenier and a member of the said police force of the Island of Guernsey;”,

(vii) after the definition of “ship” insert—

““States” means the States of Guernsey;”, and

(viii) for the definition of “work permit” substitute—

““work permit” means a permit issued by the Board to a specific employer in respect of a specific post, upon payment of such fee as may be prescribed by order of the Board, indicating that a person named in it is eligible, though not a British citizen, for entry into the Bailiwick of Guernsey for the purpose of taking employment;”,

and omit the definitions of “Concessionaires” and “tunnel system”;

(b) in subsection (2A) for the words “United Kingdom” substitute “Bailiwick of Guernsey”;

(c) in subsection (3) for the words after “by order of” substitute “the Lieutenant-Governor.”; and

(d) omit subsection (4).

19. In section 37 (short title and extent) omit subsection (2).

(16) Section 33 was amended by the British Nationality Act 1981, section 39(6) and Schedule 4 paragraphs 2, 3(2) and 7, by the Immigration Act 1988, section 10 and Schedule paragraph 5, and by S.I. 1990/2227.

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- 20.** In Schedule 2 (administrative provisions as to control on entry, etc.) **(17)**—
- (a) in paragraph 1—
- (i) for sub-paragraphs (1) to (3) substitute—
- “(1) Immigration officers for the purposes of this Act shall be appointed by the States Civil Service Board with the concurrence of the Lieutenant-Governor and, with such concurrence, that Board may arrange for the employment of officers of customs as immigration officers under this Act.
- (2) Medical inspectors for the purposes of this Act may be appointed by the States Civil Service Board with the concurrence of the Lieutenant-Governor and shall be fully qualified medical practitioners.
- (3) In the exercise of their functions under this Act, immigration officers shall act in accordance with such directions as may be given them—
- (a) by the Lieutenant-Governor, as respects the entry of persons into the Bailiwick and the period for which such persons may remain;
- (b) by the Board, as respects any other matters;
- and medical officers shall act in accordance with such instructions as may be given them by the States Board of Health.”, and
- (ii) in sub-paragraph (4) for the words from “, aircraft” to “system, vehicle” substitute “or aircraft”, and
- (iii) in sub-paragraph (5) for the words from “, aircraft” to “system, vehicle” substitute “or aircraft” and for the words “United Kingdom” substitute “Bailiwick of Guernsey”;
- (b) in paragraph 2 for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Guernsey” and in sub-paragraph (1) for the words “aircraft or through the tunnel system” substitute “or aircraft”;
- (c) in paragraph 3 for the words from “to embark” to “system”, wherever occurring, substitute “to embark in the Bailiwick of Guernsey”;
- (d) in paragraph 4(2A) for the words “United Kingdom” substitute “Bailiwick of Guernsey”;
- (e) in paragraph 4(4) omit the words “on an appeal under this Act or”;
- (f) in paragraph 5—
- (i) for the words “The Secretary of State may by order made by statutory instrument” substitute “The Lieutenant-Governor may by order”,
- (ii) for the words “United Kingdom” substitute “Bailiwick of Guernsey”, and
- (iii) for the words “Secretary of State”, in the second place in which they occur, substitute “Lieutenant-Governor”;
- (g) in paragraphs 6 to 9 for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Guernsey”;
- (h) in paragraph 8(1)(c) omit the words from “, or where” to “Concessionaires”;
- (i) in paragraph 10 for the words “Secretary of State”—
- (i) wherever occurring in sub-paragraphs (1) and (2), substitute “Lieutenant-Governor”, and
- (ii) in sub-paragraph (3), substitute “Board”;

(17) Schedule 2 was amended by the British Nationality Act 1981, section 39(6) and Schedule 4 paragraphs 2 and 3(1), by the Immigration Act 1988, section 10 and Schedule paragraphs 6 to 10, and by S.I. [1990/2227](#).

- (j) in paragraphs 12 and 13 for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Guernsey”;
- (k) in paragraph 14 for the words “Secretary of State”—
 - (i) wherever occurring in sub-paragraphs (1) and (2), substitute “Lieutenant-Governor”, and
 - (ii) in sub-paragraph (3), substitute “Board”;
- (l) in paragraph 16 for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Guernsey” and omit sub-paragraph (4A);
- (m) in paragraph 17—
 - (i) in sub-paragraph (1) for the word “constable” substitute “police officer”, and
 - (ii) in sub-paragraph (2) for the words from “If” to “enter” substitute “If in Guernsey the Bailiff, in Alderney the Chairman of the Court of Alderney or in Sark the Seneschal of Sark is by written information on oath satisfied that there is reasonable ground for suspecting that a person liable to be arrested under this paragraph is to be found on any premises, he may grant a warrant authorising any police officer to enter”;
- (n) in paragraph 18—
 - (i) in sub-paragraph (1) for the words “Secretary of State” substitute “Lieutenant-Governor”,
 - (ii) in sub-paragraph (2) for the words “the Secretary of State” substitute “either the Lieutenant-Governor or the Board”,
 - (iii) in sub-paragraphs (2) and (3) for the word “constable” substitute “police officer”, and
 - (iv) in sub-paragraph (3) for the words “United Kingdom” substitute “Bailiwick of Guernsey”;
- (o) in paragraph 19—
 - (i) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Guernsey”;
 - (ii) in sub-paragraph (1) for the words “Secretary of State” substitute “Board” and omit the words from “, or, where” to “Concessionaires”,
 - (iii) in sub-paragraph (3) omit the words from “or if he is” to “such a refusal),”, and
 - (iv) for sub-paragraph (4) substitute—

“(4) The expenses to which sub-paragraph (1) above applies include expenses in conveying the person in question to and from the place where he is detained or accommodated.”;
- (p) in paragraph 20—
 - (i) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Guernsey”,
 - (ii) in sub-paragraph (1) for the words “Secretary of State” substitute “Board” and omit the words from “, or where” to “Concessionaires”, and
 - (iii) for sub-paragraph (3) substitute—

“(3) The expenses to which sub-paragraph (1) above applies include expenses in conveying the person concerned to and from the place where he is detained or accommodated.”;
- (q) in paragraph 21 for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Guernsey”;

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- (r) omit paragraphs 22 to 25;
 - (s) in paragraphs 26 and 27—
 - (i) for the words “Secretary of State”, wherever occurring, substitute “Lieutenant-Governor”, and
 - (ii) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Guernsey”;
 - (t) in paragraph 27(2) omit the words “made by statutory instrument”; and
 - (u) omit paragraphs 27A to 33.
- 21.** In Schedule 3 (supplementary provision as to deportation) **(18)**—
- (a) in paragraph 1—
 - (i) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Guernsey”,
 - (ii) in sub-paragraphs (1) to (3) for the words “Secretary of State” substitute “Lieutenant-Governor”, and
 - (iii) in sub-paragraph (4) for the words “Secretary of State, if he” substitute “Board, if it”, and for the words “by the Secretary of State” substitute “by the Board”;
 - (b) in paragraph 2—
 - (i) for the words “Secretary of State”, wherever occurring, substitute “Lieutenant-Governor”,
 - (ii) omit sub-paragraph (2) and the references to it in sub-paragraphs (3), (4) and (6), and
 - (iii) in sub-paragraph (3) for the words “United Kingdom” substitute “Bailiwick of Guernsey”;
 - (c) omit paragraph 3;
 - (d) in paragraph 5(1) for the word “constable” substitute “police officer”;
 - (e) for paragraph (6) substitute—

“6. In this Schedule “the appropriate court” means the court which directed release.”;
 - (f) in paragraph 7—
 - (i) in sub-paragraph (1) for the word “constable” substitute “police officer” and for the words “the relevant part of the United Kingdom” substitute “any part of the Bailiwick of Guernsey”, and
 - (ii) omit sub-paragraph (2);
 - (g) for paragraph 8(1) substitute—

“(1) A person arrested in any part of the Bailiwick of Guernsey in pursuance of paragraph 7 above shall be brought as soon as practicable and in any event within 24 hours after his arrest before—

 - (a) if he was arrested in the Island of Guernsey, the Magistrate;
 - (b) if he was arrested in the Island of Alderney, the Chairman of the Court of Alderney;
 - (c) if he was arrested in the Island of Sark, the Seneschal of Sark.”;
 - (h) omit paragraph 9; and

(18) Schedule 3 was amended by the Criminal Justice Act 1982 (c. 48), section 64 and Schedule 10, and by the Immigration Act 1988, section 10 and Schedule paragraph 10(2).

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- (i) in paragraph 10 for the words from “Any justice” to “8 or 9 above” substitute “The Magistrate, the Chairman of the Court of Alderney or the Seneschal of Sark, as the case may be, before whom a person is brought by virtue of paragraph 8 above”.

22.—(1) For the heading to Schedule 4 substitute—

*“INTEGRATION WITH GUERNSEY LAW OF IMMIGRATION LAWS
OF THE UNITED KINGDOM, JERSEY AND THE ISLE OF MAN”.*

(2) In Schedule 4—

- (a) for the words “any of the Islands”, wherever occurring, substitute “the United Kingdom, the Bailiwick of Jersey or the Isle of Man”;
- (b) after the word “island”, wherever occurring, insert “or, as the case may be, the United Kingdom,”;
- (c) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Guernsey”;
- (d) in paragraph 1—
 - (i) in sub-paragraph (2) after the words “under this Act” insert “; and for the purposes of this sub-paragraph a condition requiring a person to register with the police or any other body or person shall be treated as a condition requiring him to register as provided under section 4(3) of this Act”,
 - (ii) in sub-paragraph (3) omit the words “and subject to the like appeal (if any)”, and
 - (iii) omit sub-paragraph (5); and
- (e) in paragraph 3(2) for the words “Secretary of State” substitute “Lieutenant-Governor”.