

## SCHEDULE 1

### PART I

#### THE 1971 ACT

1. In section 1 (general principles)(1)—

- (a) in subsections (1), (2) and (3) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”;
- (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 Guernsey, the Isle of Man”; and
- (c) for subsection (4) substitute—

“(4) The Committee may make rules as to the practice to be followed in the administration of this Act for regulating the taking of employment by persons not having the right of abode who are given leave to enter the Bailiwick and the Subordinate Legislation (Jersey) Law 1960 shall apply to such rules.

(4A) The Lieutenant-Governor shall give directions as to the practice to be followed in the administration of this Act for regulating the entry into and stay in the Bailiwick of persons not having the right of abode and such directions shall include provision for admitting (in such cases and subject to such restrictions as may be provided by the directions and subject or not to conditions as to length of stay or otherwise) persons coming for the purpose of taking employment, or for the purposes of study, or as visitors, or as dependants of persons lawfully in or entering the Bailiwick.”.

2. In section 2 (right of abode)(2) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”.

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 Jersey”, and
  - (ii) in paragraph (c) for the words “with the police” substitute “as provided under section 4(3) below”;
- (b) for subsection (2) substitute—

“(2) Section 1(4) and (4A) of this Act shall not be taken to require uniform provision to be made as regards admission of persons for a purpose or in a capacity specified in the said section (and, in particular, for this as well as other purposes of this Act, account may be taken of citizenship or nationality).”;
- (c) in subsections (3) to (7) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”;
- (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

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(1) Section 1(5) was repealed by the Immigration Act 1988, section 1.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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- (f) in subsection (9) for the words “United Kingdom”, where first occurring, substitute “Bailiwick of Jersey”.
- 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 Jersey shall be exercised by immigration officers,
- (b) the power to give leave to remain in the Bailiwick of Jersey, 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 Committee”,
- and omit the words “made by statutory instrument”;
- (b) in subsection (2) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey” 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 Committee may by order”,
- (ii) omit the words “with the police”,
- (iii) for the word “regulations”, wherever occurring, substitute “order”,
- (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” substitute “The Committee may by order make such provision as appears to it”.
- 5.** In section 5 (deportation)(5)—
- (a) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”;
- (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 “Committee”.
- 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)—

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(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.

- (i) for the words “United Kingdom” where first occurring substitute “Bailiwick of Jersey”, and
    - (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 Jersey”;
  - (b) for subsection (2) substitute—
    - “(2) The Committee may direct that any particular person or class of persons shall be exempt either conditionally or subject to such conditions as the Committee may impose from all or any of the provisions of this Act relating to those who are not British citizens insofar as those provisions apply to the taking of employment; and the Lieutenant-Governor may direct that any particular person or class of persons shall be exempt either unconditionally or subject to such conditions as the Lieutenant-Governor may impose from all or any of the remaining 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 Jersey”;
  - (e) in subsections (5) and (5A) for the word “order”, wherever occurring, substitute “direction”; and
  - (f) in subsection (6) for the words “United Kingdom”, wherever occurring, substitute, “Bailiwick of Jersey”.
- 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 Jersey of the operation in the United Kingdom, the Bailiwick of Guernsey or the Isle of Man”;
  - (b) in subsection (2)—
    - (i) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”,
    - (ii) for the words “any of the Islands” substitute “the United Kingdom, the Bailiwick of Guernsey 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 Committee.”;
  - (c) in subsection (3) for the words “United Kingdom” substitute “Bailiwick of Jersey”;

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(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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- (d) in subsection (4)—
    - (i) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”, and
    - (ii) for the words “Secretary of State” substitute “Lieutenant-Governor”;
  - (e) omit subsection (5);
  - (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 Jersey” and omit subsection (1A).
- 11.** In section 24 (illegal entry and similar offences)(**10**)—
- (a) in subsection (1)—
    - (i) for the words from “on summary conviction” to “standard scale” substitute “with a fine”, and
    - (ii) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”;
  - (b) in subsection (1A) for the words “United Kingdom” substitute “Bailiwick of Jersey”;
  - (c) in subsection (2) for the word “constable” substitute “police officer”;
  - (d) omit subsection (3); and
  - (e) in subsection (4) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”.
- 12.** In section 25 (assisting illegal entry, and harbouring)(**11**)—
- (a) in subsection (1)—
    - (i) for the words “United Kingdom” substitute “Bailiwick of Jersey”, and
    - (ii) omit the words from “on summary conviction” to “indictment”;
  - (b) in subsection (2) for the words from “on summary conviction” to “standard scale” substitute “with a fine”;
  - (c) omit subsection (4);
  - (d) in subsection (5) for the words “United Kingdom” substitute “Bailiwick of Jersey”;
  - (e) in subsection (6) omit the words “on indictment”; and
  - (f) in subsection (7) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”.
- 13.** In section 26 (general offences)(**12**)—
- (a) in subsection (1)—
    - (i) for the words from “on summary conviction” to “standard scale” substitute “with a fine”,
    - (ii) in paragraph (e) for the word “order” substitute “direction”, and
    - (iii) in paragraph (f) for the words from “regulations” to “section 4(4)” substitute “an order under section 4(3) or (4)”; and

**(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).

- (b) omit subsection (2).
- 14.** In section 27 (offences by persons connected with ships, etc.)(**13**)—
- (a) for the words from “on summary conviction” to “standard scale” substitute “with a fine”;
  - (b) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”;
  - (c) in paragraph (b) (ii) for the words “an order” substitute “a direction”; and
  - (d) 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 “Committee”;
  - (b) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”; and
  - (c) in subsection (1) for the words “as he may with the approval of the Treasury” substitute “as it may with the approval of the Finance and Economics Committee of the States”.
- 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 Committee”;
  - (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 Committee”, and after the words “issued by him” insert “or, as the case may be, by the Committee”; and
  - (c) in subsections (3) and (4) omit the words “or proceedings under Part II of this Act”.
- 18.** In section 33 (interpretation)(**16**)—
- (a) in subsection (1)—
    - (i) after the definition of “certificate of entitlement” insert—  
““Committee” means the Defence Committee of the States;”,
    - (ii) in the definitions of “entrant”, “entry clearance” and “limited leave” for the words “United Kingdom” substitute “Bailiwick of Jersey”,
    - (iii) omit the definition of “immigration rules”,
    - (iv) for the definition of “legally adopted” substitute—  
““legally adopted” means adopted in pursuance of an order made by a court in the United Kingdom and Islands;”,
    - (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 Jersey and its Dependencies;”,
    - (vi) after the definition of “ship” insert—

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(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.

(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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- ““States” means the States of Jersey;”, and
- (vii) for the definition of “work permit” substitute—
- ““work permit” means a permit issued by the Committee to a specific employer in respect of a specific post;”,
- and omit the definitions of “Concessionaires” and “tunnel system”;
- (b) in subsection (2A) for the words “United Kingdom” substitute “Bailiwick of Jersey”;
- (c) for subsection (3) substitute—
- “(3) The ports of entry for the purposes of this Act and the ports of exit for the purposes of any Order in Council made under section 3(7) above shall be the approved ports set out in the Schedule to the Loi (1937) sur les Etrangers or such places as the States may by Act designate.”; and
- (d) omit subsection (4).
- 19.** In section 37 (short title and extent) omit subsection (2).
- 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 Committee with the concurrence of the Lieutenant-Governor and, with such concurrence, the Committee may arrange for the employment of officers of customs as immigration officers under this Act; and aliens officers appointed in pursuance of the Loi (1937) sur les Etrangers shall be deemed to have been duly appointed immigration officers under this paragraph for the purposes of this Act.
- (2) The medical officer of health and his deputy shall be medical inspectors for the purposes of this Act.
- (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, the period for which such persons may remain and matters incidental thereto;
- (b) by the Committee as respects any other matters;
- and medical officers shall act in accordance with such instructions as may be given them by the Committee.”,
- (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 Jersey”;
- (b) in paragraph 2 for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey” 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 Jersey”;
- (d) in paragraph 4(2A) for the words “United Kingdom” substitute “Bailiwick of Jersey”;

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(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.

- (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 direction”,
  - (ii) for the words “United Kingdom” substitute “Bailiwick of Jersey”, 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 Jersey”;
- (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 “Committee”;
- (j) in paragraphs 12 and 13 for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”;
- (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 “Committee”;
- (l) in paragraph 16 for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey” 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 the Bailiff 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-paragraphs (1) and (2) for the words “Secretary of State” substitute “Attorney General for Jersey”,
  - (ii) in sub-paragraphs (2) and (3) for the word “constable” substitute “police officer”, and
  - (iii) in sub-paragraph (3) for the words “United Kingdom” substitute “Bailiwick of Jersey”;
- (o) in paragraph 19—
  - (i) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”;
  - (ii) in sub-paragraph (1) for the words “Secretary of State” substitute “Committee” 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—

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- “(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 Jersey”,
  - (ii) in sub-paragraph (1) for the words “Secretary of State” substitute “Committee” 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 Jersey”;
- (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 Jersey”;
- (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 Jersey”,
    - (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 “Committee, if it”;
  - (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 Jersey”;
  - (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—

**(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).



- (i) in sub-paragraph (1) for the word “constable” substitute “police officer” and for the words “relevant part of the United Kingdom” substitute “Bailiwick of Jersey”, and
- (ii) omit sub-paragraph (2);
- (g) for paragraph 8(1) substitute—
  - “(1) A person arrested in the Bailiwick of Jersey in pursuance of paragraph 7 above shall be brought before a Jurat as soon as practicable and in any event within 24 hours after his arrest.”;
- (h) omit paragraph 9; and
- (i) in paragraph 10—
  - (i) for the words “Any justice of the peace or court” substitute “Any Jurat”,
  - (ii) omit the words “or 9”, and
  - (iii) for the words “the court” substitute “the Jurat”.

**22.**—(1) For the heading to Schedule 4 substitute—  
“INTEGRATION WITH JERSEY LAW OF IMMIGRATION LAWS OF THE UNITED KINGDOM, GUERNSEY 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 Guernsey 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 Jersey”;
- (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 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”.