
STATUTORY INSTRUMENTS

2003 No. 2818

**The Nationality, Immigration and Asylum
Act 2002 (Juxtaposed Controls) Order 2003**

PART 3

**PROVISIONS RELATING TO THE EXERCISE OF POWERS
BY UNITED KINGDOM IMMIGRATION OFFICERS
AND CONSTABLES IN A CONTROL ZONE IN FRANCE**

Enactments having effect in a Control Zone in France

11.—(1) For the purpose of enabling immigration officers to exercise immigration control in a Control Zone in France, the following shall have effect in relation to a person in a Control Zone in France, or anything done in that Zone, with the modifications set out in Schedule 2 to this Order—

- (a) the 1971 Act(1);
- (b) Schedules 7, 8 and 14 to the Terrorism Act 2000(2);
- (c) the Code of Practice for examining officers under The Terrorism Act 2000(3);
- (d) the Immigration (Leave to Enter and Remain) Order 2000(4); and
- (e) the Immigration (European Economic Area) Regulations 2000(5).

(2) Paragraphs 2 (powers and duties of detainee custody officers) and 3 (short-term holding facilities) of Schedule 11, and paragraph 2 of Schedule 13 (powers and duties of detainee custody officers), to the Immigration and Asylum Act 1999 shall have effect in relation to a detainee custody officer in a Control Zone in France as they have effect in relation to such an officer in the United Kingdom and, in the definition of “short-term holding facility” in section 147 of that Act, the reference to “a place” includes a place in a Control Zone in France.

(3) Sections 19B (discrimination by public authorities) and 19D (exception from section 19B for certain acts in immigration and nationality cases) of the Race Relations Act 1976(6) shall have effect in relation to immigration officers carrying out their functions in a Control Zone in France as they have effect in relation to such officers carrying out their functions in England and Wales and Scotland.

(1) Relevant amendments to the 1971 Act are as follows: section 33 and paragraphs 4, 9 and 22 of Schedule 2 were amended by section 12 (1) of, and paragraph 5 of Schedule 2 to, the Asylum and Immigration Act 1996 (c. 49); paragraph 4 (2) of Schedule 2 was inserted by section 10 of the Immigration Act 1988 (c. 14); paragraphs 2, 2A, 7, 16, 18, 21, 22 and 26 of Schedule 2 were inserted or amended by section 169 of, and Schedule 14 to, the Immigration and Asylum Act 1999 (c. 33) and section 28G and paragraph 25B of Schedule 2 was inserted by section 134 of that Act; and paragraph 10A of Schedule 2 was inserted by section 73 of the Nationality, Immigration and Asylum Act 2002.

(2) 2000 c. 11.

(3) The Code was issued pursuant to paragraph 6 (1) of Schedule 14 to the Terrorism Act 2000.

(4) S.I.2000/1161.

(5) S.I. 2000/2326. The 2000 Regulations were amended by the Immigration (European Economic Area) (Amendment) Regulations 2003 (S.I. 2003/549).

(6) 1976 c. 74. Sections 19B and 19D were inserted by section 1 of the Race Relations (Amendment) Act 2000 (c. 34).

(4) The Data Protection Act 1998 shall have effect in relation to data which are processed in a Control Zone in France in connection with the carrying out of immigration control by an immigration officer or a constable, or the exercise of a power of arrest by a constable under article 13 (3) of this Order, as if, for the purposes of section 5 of that Act, the data were processed by a data controller established in the United Kingdom in the context of that establishment.

(5) The law of England and Wales shall have effect in relation to any claim for compensation which may be alleged against, or by, a constable or an immigration officer for loss or injury in the exercise of his functions in a Control Zone in France as if the circumstances giving rise to the claim had occurred in England.