

SCHEDULE 2

MODIFICATION OF APPLIED ENACTMENTS

Immigration Act 1971

1.—(1) In section 4 of the 1971 Act (administration of control) in subsection (2)— for the words “the United Kingdom by ship or aircraft” substitute “, or seeking to arrive in, the United Kingdom by entering a Control Zone”.

(2) In section 33 of the 1971 Act (interpretation) in subsection (1)—

(i) after the definition of “certificate of entitlement” insert—

““Control Zone” means a Control Zone in France in which immigration officers exercise immigration control pursuant to the Treaty between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic concerning the Implementation of Frontier Controls at the Sea Ports of Both Countries on the Channel and North Sea;” and

(ii) in the definition of “illegal entrant” after the words “unlawfully entering or seeking” insert “(whether or not he has arrived in the United Kingdom)”.

(3) In Schedule 2 to the 1971 Act (administrative provisions as to control on entry etc)—

(a) in paragraph 1(5) for the words after “vehicle” substitute “which is in a Control Zone.”;

(b) in paragraph 2(1) for the words from “in the United Kingdom” to “seeking to enter the United Kingdom” substitute “, or who are seeking to arrive, in the United Kingdom by entering a Control Zone”;

(c) after paragraph 2(1) insert—

“(1A) The power conferred by sub-paragraph (1) is exercisable as respects persons seeking to arrive in the United Kingdom (who may first be questioned to ascertain whether they are seeking to do so), in a Control Zone, but where it has not been possible to examine such persons in a Control Zone then the power conferred by sub-paragraph (1) shall apply.”;

(d) after paragraph 8(1) insert—

“(1A) Where a person seeking to arrive in the United Kingdom is refused leave to enter and is then in a Control Zone, an immigration officer may request the competent French authorities to secure that the person is taken out of the Control Zone.”;

(e) in paragraph 9(1) for the words after “an immigration officer” substitute

“may—

(a) if the illegal entrant has arrived in the United Kingdom, give such directions in respect of him as in a case within sub-paragraph (1) of paragraph 8 above are authorised by that sub-paragraph, or

(b) if the illegal entrant is in a Control Zone, make such requests in respect of him as in a case within sub-paragraph (1A) of paragraph 8 above are authorised by that sub-paragraph.”;

(f) in paragraph 16—

(a) in sub-paragraph (2) for the words “his removal in pursuance of” substitute “the taking of any action in respect of him pursuant to any request made to the competent French authorities authorised under paragraph 8(1A)”;

(b) after sub-paragraph (3) insert—

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

“(3A) A person may under the authority of an immigration officer be removed for detention under this paragraph from a vehicle in a Control Zone.”; and

(g) for paragraph 26(2) and (3) there is substituted—

“(2) The Secretary of State may from time to time give written notice to the owners or agents of ships designating control areas for the embarkation of passengers in a Control Zone and specifying the conditions and restrictions (if any) to be observed in any control area; and where by notice given to any owners or agents a control area is for the time being designated for the embarkation of passengers in a Control Zone, the owners or agents shall take all reasonable steps to secure that, in the case of their ships, passengers do not embark in the Control Zone outside the control area and that any conditions or restrictions notified to them are observed.

(3) The Secretary of State may also from time to time give to any persons concerned with the management of a port in a Control Zone written notice designating control areas in the Control Zone and specifying conditions or restrictions to be observed in any control area; and any such person shall take all reasonable steps to secure that any conditions or restrictions as notified to him are observed.”.