
EXPLANATORY NOTE

(This note is not part of the Order)

Article 2(a) of this Order amends article 11 of the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003 (“the 2003 Order”) to give effect to two provisions of English law in the control zones in France.

Firstly, the power to take fingerprints under section 141 of the Immigration and Asylum Act 1999 (“the 1999 Act”) is extended to the control zones, together with section 143 of the 1999 Act which governs the destruction of such fingerprints.

Secondly, sections 40 and 41 of the Immigration, Asylum and Nationality Act 2006 (“the 2006 Act”) are extended to the control zones. These sections allows the Secretary of State to authorise persons other than immigration officers to search a ship, aircraft or vehicle or other thing for the purpose of satisfying himself whether there are individuals whom an immigration officer might wish to examine for the purposes of considering whether the person should enter the UK.

The Order also makes two consequential amendments to the 2003 Order.

Article 2(b) amends article 12 to the 2003 Order to provide that an act or omission which would constitute an offence under section 41 of the 2006 Act shall also be an offence if it takes place in a control zone in France,

Article 2(c) amends Schedule 2 to the 2003 Order to provide that section 141 of the 1999 Act shall apply in the control zone in France as modified.