

SCHEDULE 5A

Article 6

Provisions of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 as extended to Guernsey

Provision as extended to Guernsey

PART 1

MEASURES RELATING TO ENDING FREE MOVEMENT

1 Repeal of section 7 of the Immigration Act 1988

Section 7 of the Immigration Act 1988 is repealed.

2 Irish citizens: entitlement to enter or remain without leave

(1) The Immigration Act 1971 is amended as follows.

(2) After section 3 insert —

“3ZA Irish citizens

(1) An Irish citizen does not require leave to enter or remain in the Bailiwick of Guernsey, unless subsection (2), (3) or (4) applies to that citizen.

(2) This subsection applies to an Irish citizen if the Irish citizen is subject to a deportation order made under section 5(1).

(3) This subsection applies to an Irish citizen if—

(a) the Lieutenant Governor has issued directions for the Irish citizen not to be given entry to the Bailiwick of Guernsey on the ground that the Irish citizen’s exclusion is conducive to the public good,

(b) the Lieutenant Governor has given the Irish citizen notice of the directions, and

(c) the directions have not been withdrawn.

(4) This subsection applies to an Irish citizen if the Irish citizen is an excluded person for the purposes of section 8B (persons excluded under certain instruments).

(5) Where subsection (2), (3) or (4) applies to an Irish citizen, section 1(3) does not permit the Irish citizen to enter the Bailiwick of Guernsey without leave on arriving in the Bailiwick of Guernsey on a local journey from any place in the common travel area.”

(3) In section 9 (further provisions about the common travel area)—

(a) in subsection (2), in the closing words, after “British citizens” insert “or Irish citizens”;

(b) in subsection (4), in the opening words, after “British citizen” insert “or an Irish citizen”.

(4) In Schedule 4 (integration with Guernsey law of immigration laws of the United Kingdom, Jersey and the Isle of Man)—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(a) in paragraph 1, in sub-paragraphs (1) and (2), after “British citizen” insert “or an Irish citizen”;

(b) in paragraph 4, after “British citizen” insert “or an Irish citizen”.

4 Meaning of “the Immigration Acts” etc.

(1) In section 61 of the UK Borders Act 2007, in subsection (2) (which defines “the Immigration Acts”) –

[...]

(b) after paragraph (j) insert “, and

“(l) Part 1 of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (and Part 3 so far as relating to that Part).”

5 Consequential etc. provision

(1) The States of Guernsey Committee for Home Affairs may by regulations make such provision as the committee considers appropriate in consequence of, or in connection with, any provision of this Part.

(2) The power to make regulations under subsection (1) may (among other things) be exercised by modifying any provision extended or made by an Order in Council extending legislation of the United Kingdom to the Bailiwick of Guernsey, or any direction, order, rule or other provision issued, given or otherwise made under any such provision, where the provision to be modified was made on or before the appointed day.

(3) The power to make regulations under subsection (1) includes power—

(a) to make supplementary, incidental, transitional, transitory or saving provision;

(b) to make different provision for different purposes.

(4) Regulations under subsection (1) may (among other things) make provision applying to persons who, immediately before the appointed day, were not entitled by virtue of section 7(1) of the Immigration Act 1988 to enter or remain in the Bailiwick of Guernsey without leave.

(5) Regulations under subsection (1) may (among other things) modify provision relating to the imposition of fees or charges which is made by or under any of the Immigration Acts extended to the Bailiwick of Guernsey on or before the appointed day.

(6) Regulation under subsection (1) must be laid before a meeting of the States of Deliberation as soon as possible and, if at that or the next meeting the States of Deliberation resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

PART 3

GENERAL

7 Interpretation

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In this Act —

“appointed day” means the day on which article 6 of the Immigration (Guernsey) Order 2020 comes into force; and

“modify” includes amend, repeal or revoke (and related expressions are to be read accordingly).

10 Short title

This Act may be cited as the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020.
