
STATUTORY INSTRUMENTS

1972 No. 1610

IMMIGRATION

**The Immigration (Control of Entry
Through Republic of Ireland) Order 1972**

<i>Made</i>	- - - -	<i>23rd October 1972</i>
<i>Laid before Parliament</i>		<i>2nd November 1972</i>
<i>Coming into Operation</i>		<i>1st January 1973</i>

In exercise of the powers conferred upon me by section 9(2) and (6) of the Immigration Act 1971, I hereby make the following Order:—

1. This Order may be cited as the Immigration (Control of Entry through Republic of Ireland) Order 1972 and shall come into operation on 1st January 1973.

2.—(1) In this Order—

“the Act” means the Immigration Act 1971; and

“visa national” means a person who, in accordance with the immigration rules, is required on entry into the United Kingdom to produce a passport or other document of identity endorsed with a United Kingdom visa and includes a stateless person.

(2) In this Order any reference to an Article shall be construed as a reference to an Article of this Order and any reference in an Article to a paragraph as a reference to a paragraph of that Article.

(3) The Interpretation Act 1889 shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3.—(1) This Article applies to—

(a) any person (other than a citizen of the Republic of Ireland) who arrives in the United Kingdom on an aircraft which began its flight in that Republic if he entered that Republic in the course of a journey to the United Kingdom which began outside the common travel area and was not given leave to land in that Republic in accordance with the law in force there;

(b) any person (other than a person to whom sub-paragraph (a) of this paragraph applies) who arrives in the United Kingdom on a local journey from the Republic of Ireland if he satisfies any of the following conditions, that is to say:—

(i) he is a visa national who has no valid visa for his entry into the United Kingdom;

(ii) he entered that Republic unlawfully from a place outside the common travel area;

- (iii) he entered that Republic from a place in the United Kingdom and Islands after entering there unlawfully, provided that he has not subsequently been given leave to enter or remain in the United Kingdom or any of the Islands; or
- (iv) he is a person in respect of whom directions have been given by the Secretary of State for him not to be given entry to the United Kingdom on the ground that his exclusion is conducive to the public good.

(2) In relation only to persons to whom this Article applies, the Republic of Ireland shall be excluded from section 1(3) of the Act (provisions relating to person travelling on local journeys in the common travel area).

4.—(1) Subject to paragraph (2), this Article applies to any person who is not partial and is not a citizen of the Republic of Ireland and who enters the United Kingdom on a local journey from the Republic of Ireland after having entered that Republic—

- (a) on coming from a place outside the common travel area; or
- (b) after leaving the United Kingdom whilst having a limited leave to enter or remain there which has since expired.

(2) This Article shall not apply to any person who requires leave to enter the United Kingdom by virtue of Article 3 or section 9(4) of the Act.

(3) A person to whom this Article applies by virtue only of paragraph (1)(a) shall, unless he is a visa national who has a visa containing the words “short visit”, be subject to the restriction and to the condition set out in paragraph (4).

(4) The restriction and the condition referred to in paragraph (3) are—

- (a) the period for which he may remain in the United Kingdom shall not be more than three months from the date on which he entered the United Kingdom; and
- (b) unless he is a national of a state which is a member of the European Economic Community, he shall not engage in any occupation for reward or any employment.

(5) In relation to a person who is a visa national and has a visa containing the words “short visit” the restriction and the conditions set out in paragraph (6) shall have effect instead of the provisions contained in paragraph (4).

(6) The restriction and the conditions referred to in paragraph (5) are—

- (a) the period for which he may remain in the United Kingdom shall not be more than one month from the date on which he entered the United Kingdom;
- (b) he shall not engage in any occupation for reward or any employment; and
- (c) he shall, unless he is under the age of 16 years, be required to register with the police.

(7) The preceding provisions of this Article shall have effect in relation to a person to whom this Article applies by virtue of sub-paragraph (b) of paragraph (1) (whether or not he is also a person to whom this Article applies by virtue of sub-paragraph (a) thereof) as they have effect in relation to a person to whom this Article applies by virtue only of the said sub-paragraph (a), but as if for the references in paragraphs (4) and (6) to three months and one month respectively there were substituted a reference to seven days.

Whitehall
23rd October 1972

Robert Carr
One of Her Majesty's Principal Secretaries of
State
Home Office

EXPLANATORY NOTE

This Order excludes from the operation of section 1(3) of the Immigration Act 1971 (which exempts from control passengers travelling on local journeys within the common travel area, that is to say the area comprising the United Kingdom, Channel Islands, Isle of Man and Republic of Ireland) certain persons who enter the United Kingdom through the Republic of Ireland, (Article 3). The main classes of persons are those who merely passed through the Republic of Ireland, persons requiring visas, persons who entered the Republic of Ireland unlawfully and persons who are subject to directions given by the Secretary of State for their exclusion from the United Kingdom on the ground that such exclusion is conducive to the public good.

The Order also imposes restrictions on persons who are not patrial (other than those excluded from the operation of section 1(3)) and who enter the United Kingdom from the Republic after coming from a place outside the common travel area or after leaving the United Kingdom while having a limited leave to enter or remain there which has since expired (Article 4). These restrictions impose a limit on the period of their stay in the United Kingdom; except in relation to nationals of states who are members of the European Economic Community, a prohibition on taking up employment or any occupation for reward; and, in the case of certain person over 16 years who require a visa to enter the United Kingdom, a requirement to register with the police.