
Status: This is the original version (as it was originally enacted).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

SCHEDULES

SCHEDULE 2

Section 3.

EXCLUSION ORDERS: CALCULATION OF PERIOD OF RESIDENCE

- 1 (1) It is hereby declared that a person is not to be treated, for the purpose of the exemption in section 3(4)(a) of this Act for persons ordinarily resident in Great Britain, as ordinarily resident in Great Britain at a time when he is there in breach of—
 - (a) an exclusion order ;
 - (b) the Immigration Act 1971 ; or
 - (c) any law for purposes similar to that Act which is or was for the time being (before or after the passing of this Act) in force in any part of Great Britain.
- (2) In that exemption " the last 20 years " is to be taken as a period amounting in total to 20 years exclusive of any time during which the person claiming exemption was undergoing imprisonment or detention by virtue of a sentence passed for an offence on a conviction in the United Kingdom and Islands, and the period for which he was imprisoned or detained by virtue of the sentence amounted to six months or more.
- 2 In this Schedule—
 - (a) " sentence " includes any order made on conviction of an offence ;
 - (b) two or more sentences for consecutive (or partly consecutive) terms shall be treated as a single sentence ;
 - (c) a person shall be deemed to be detained by virtue of a sentence—
 - (i) at any time when he is liable to imprisonment or detention by virtue of the sentence, but is unlawfully at large ; and
 - (ii) during any period of custody by which under any relevant enactment the term to be served under the sentence is reduced ;
 - (d) " Islands " means the Channel Islands and the Isle of Man.
- 3 In sub-paragraph (c)(ii) above " relevant enactment " means section 67 of the Criminal Justice Act 1967 (or before that section operated, section 17(2) of the Criminal Justice Administration Act 1962) and any similar enactment which is for the time being or has (before or after the passing of this Act) been in force in any part of the United Kingdom or Islands.