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STATUTORY INSTRUMENTS

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**1998 No. 1264**

**IMMIGRATION**

**The Asylum and Immigration Act 1996 (Guernsey) Order 1998**

*Made* - - - - - *19th May 1998*

*Coming into force* - - - - - *20th July 1998*

At the Court at Buckingham Palace, the 19th day of May 1998

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 13(5) of the Asylum and Immigration Act 1996(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Asylum and Immigration Act 1996 (Guernsey) Order 1998 and shall come into force on 20th July 1998.

2. In this Order, “the 1971 Act” means the Immigration Act 1971(2).

3. Sections 4, 5, 7, 12(1), 13(1) and (2) of, and paragraphs 1, 2, 4 to 6, 8 to 10 and 13 of Schedule 2 to, the Asylum and Immigration Act 1996, shall extend to the Bailiwick of Guernsey with the modifications specified in the Schedule to this Order, being modifications that appear to Her Majesty to be appropriate.

*N. H. Nicholls*  
Clerk of the Privy Council

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(1) 1996 c. 49.

(2) 1971 c. 77; the Act was extended to the Bailiwick of Guernsey by the Immigration (Guernsey) Order 1993 (S.I. 1993/1796).

SCHEDULE

Article 3

MODIFICATIONS OF PROVISIONS OF THE ASYLUM AND IMMIGRATION ACT 1996 IN THEIR EXTENSION TO THE BAILIWICK OF GUERNSEY

1. In section 4 (amending section 24(1) of the 1971 Act), for “United Kingdom” substitute “Bailiwick of Guernsey”.
2. In section 5 (amending section 25 of the 1971 Act)—
  - (a) in subsection (1), for “United Kingdom”, in each place where it occurs, substitute “Bailiwick of Guernsey”; and
  - (b) in subsection (2), for “for asylum (within the meaning of the Asylum and Immigration Appeals Act 1993)” substitute “that it would be contrary to the obligations of the United Kingdom in respect of the Bailiwick of Guernsey under the Convention relating to the status of refugees done at Geneva on 28th July 1951 and the Protocol to that Convention for him to be removed from, or required to leave, the Bailiwick of Guernsey”.
3. In section 7—
  - (a) in subsection (1), for “constable” substitute “police officer”;
  - (b) in subsection (2)—
    - (i) in paragraph (a), for “a justice of the peace” substitute “in Guernsey the Bailiff, in Alderney the Chairman of the Court of Alderney or in Sark the Seneschal of Sark”;
    - (ii) for “; or” substitute a comma;
    - (iii) omit paragraph (b); and
    - (iv) for “constable” substitute “police officer”;
  - (c) omit subsection (3); and
  - (d) in subsection (5), after “section” insert “—”; and, at the end, insert—

“;

“police officer” means—

    - (a) in relation to Guernsey, Herm and Jethou, a member of the salaried police force of the Island of Guernsey and, within the limits of his jurisdiction, a member of the special constabulary of the Island of Guernsey;
    - (b) in relation to Alderney, a member of the said police force and a member of any police force which may be established by the States of Alderney and, within the limits of his jurisdiction, a special constable appointed by the Court of Alderney under section 15 of the Government of Alderney Law, 1987; and
    - (c) in relation to Sark, a member of the salaried police force of the Island of Guernsey, the Constable and the Vingtenier.”
4. In section 12(1), omit “and a related amendment of the Immigration Act 1988”.
5. In section 13(2), after “the Immigration Act 1971” insert “as extended to the Bailiwick of Guernsey by the Immigration (Guernsey) Order 1993”; omit the definition of “the 1993 Act”; and, in the definition of “person subject to immigration control”, for “the United Kingdom” substitute “the Bailiwick of Guernsey”.
6. In paragraph 1 of Schedule 2—
  - (a) in sub-paragraph (1) (amending section 3(1) of the 1971 Act), for “United Kingdom”, in both places where it occurs, substitute “Bailiwick of Guernsey”; and for “with the police” substitute “as provided under section 4(3) below”; and

- (b) omit sub-paragraph (3).
  - 7. In paragraph 4 of Schedule 2 (amending section 33 of the 1971 Act)—
    - (a) in sub-paragraph (1), for “United Kingdom” substitute “Bailiwick of Guernsey”; and
    - (b) omit sub-paragraph (2).
  - 8. In paragraph 5(2)(b) of Schedule 2 (amending paragraph 4(3) of Schedule 2 to the 1971 Act), for “United Kingdom” substitute “Bailiwick of Guernsey”.
  - 9. In paragraph 6 of Schedule 2 (amending paragraph 9 of Schedule 2 to the 1971 Act), for “United Kingdom” substitute “Bailiwick of Guernsey”.
  - 10. In paragraph 10 of Schedule 2 (amending paragraph 21 of Schedule 2 to the 1971 Act), for “United Kingdom”, in both places where it occurs, substitute “Bailiwick of Guernsey”.
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#### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order extends to the Bailiwick of Guernsey sections 4, 5, 7, 12(1), 13(1) and (2) of, and paragraphs 1, 2, 4 to 6, 8 to 10 and 13 of Schedule 2 to, the Asylum and Immigration Act 1996 with the modifications specified in the Schedule to this Order. Sections 4, 5 and 12(1), and the above paragraphs of Schedule 2, provide for amendments to provisions of the Immigration Act 1971 which were extended to the Bailiwick of Guernsey by the Immigration (Guernsey) Order 1993 (S.I.1993/1796).