

SCHEDULE 7

Article 2(g)

Modifications of Schedule 5 to the Counter-Terrorism and Security Act 2015 as it extends to Jersey

1. For the heading to Part 1 (AVIATION, MARITIME AND RAIL SECURITY) substitute “AVIATION AND MARITIME SECURITY”.

2. In paragraph 1 (Amendments of the Immigration Act 1971)—

- (a) in sub-paragraph (2), in the inserted paragraph (ba), omit “the Secretary of State or”;
- (b) in sub-paragraph (3), in the inserted sub-paragraph (8A), for “Secretary of State” substitute “Minister”;

(c) in sub-paragraph (4), in the inserted paragraph 27BA—

(i) for sub-paragraph (1) substitute—

“(1) The Minister may make provision by Order requiring responsible persons in respect of ships or aircraft—

(a) which have arrived, or are expected to arrive, in Jersey, or

(b) which have left, or are expected to leave, Jersey,

to supply information to an immigration officer.”;

(ii) in sub-paragraph (3) for “The regulations” substitute “An Order under this paragraph”;

(iii) in sub-paragraph (4)—

(aa) for “The regulations” substitute “An Order under this paragraph”;

(bb) omit “the Secretary of State or”;

(iv) in sub-paragraph (6) for “Regulations” substitute “An Order”;

(v) for sub-paragraph (7) substitute—

“(7) The Subordinate Legislation (Jersey) Law 1960 shall apply to Orders under this paragraph.”;

(vi) in sub-paragraph (4), for the inserted paragraph 27BB substitute—

(1) The Minister may make provision by Order imposing penalties for failure to comply with—

(a) a direction under paragraph 27(2) (Direction requiring passenger list or particulars of member of crew),

(b) any request or requirement under paragraph 27B (passenger and service information), or

(c) an Order under paragraph 27BA (passenger, crew and service information).

(2) An Order under this paragraph may in particular make provision—

(a) about how a penalty is to be calculated;

(b) about the procedure for imposing a penalty;

(c) about the enforcement of penalties;

(d) allowing for an appeal against a decision to impose a penalty;

and may make different provision for different purposes.

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(3) Provision in an Order under this paragraph about the procedure for imposing a penalty must include provision for a person to be given an opportunity to object to a proposed penalty in the circumstances set out in the Order.

(4) An Order under this paragraph must provide that no penalty may be imposed on a person for failure to comply with a direction under paragraph 27(2), a request or requirement under paragraph 27B or an Order under paragraph 27BA where—

- (a) proceedings have been instituted against the person under section 27 in respect of the same failure; or
- (b) the failure consists of a failure to provide information that the person has also been required to provide under section 32 or 32A of the Immigration, Asylum and Nationality Act 2006 and—
 - (i) a penalty has been imposed on the person in respect of a failure to provide that information by virtue of an Order made under section 32B of that Act, or
 - (ii) proceedings have been instituted against the person under section 34 of that Act in respect of a failure to provide that information; or
- (c) the failure consists of a failure to provide information that the person has also been required to provide under an authority-to-carry scheme made by the Minister by Order under section 22 of the Counter-Terrorism and Security Act 2015 and a penalty has been imposed on the person in respect of a failure to provide that information by virtue of an Order made under section 24 of that Act.

(5) Any penalty paid by virtue of this paragraph must be paid to the Treasurer of the States and credited to the Annual Income of the States.

(6) The Subordinate Legislation (Jersey) Law 1960 shall apply to Orders under this paragraph.”.

3. In paragraph 2 (Amendments of section 27 of the Immigration Act 1971), in the inserted subsection (2)(a), for “regulations made” substitute “an Order made by the Minister”.

4. Omit paragraph 4 (Amendments consequential upon paragraph 1).

5. In paragraph 7 (Amendments of the Immigration, Asylum and Nationality Act 2006) for the inserted sections 32A and 32B substitute—

“**32A** Orders requiring information to be provided to police

(1) The Minister may make provision by Order requiring responsible persons in relation to ships or aircraft—

- (a) which have arrived, or are expected to arrive, in Jersey, or
- (b) which have left, or are expected to leave, Jersey,

to provide information to the police.

(2) The following information may be required under subsection (1)—

- (a) information about the persons on board;
- (b) information about the voyage or flight.

(3) An Order under this section may impose a requirement to provide the information only if the Minister thinks it necessary for police purposes.

In this subsection “police purposes” has the same meaning as in section 32.

- (4) An Order under this section must—
- (a) specify or describe the classes of ships or aircraft to which it applies;
 - (b) specify the information required to be provided;
 - (c) specify the time by which the information must be provided;
 - (d) specify the form and manner in which the information must be provided.

(5) An Order under this section may require responsible persons to be able to receive, in a specified form and manner, communications sent by the police, the Minister or an immigration officer relating to the information.

- (6) An Order under this section—
- (a) may apply generally or only to specified cases or circumstances, and
 - (b) may make different provision for different cases or circumstances.

(7) The Subordinate Legislation (Jersey) Law 1960 shall apply to Orders under this section.

(8) For the purposes of this section, the following are responsible persons in respect of a ship or aircraft—

- (a) the owner or agent, and
- (b) the captain.

32B Penalty for breach of section 32 or 32A

(1) The Minister may make provision by Order imposing penalties for failure to comply with a requirement imposed—

- (a) under section 32(2) (provision of passenger, crew or service information), or
- (b) by an Order made by the Minister under section 32A (Orders requiring information to be provided to police).

(2) An Order under this section may in particular make provision—

- (a) about how a penalty is to be calculated;
- (b) about the procedure for imposing a penalty;
- (c) about the enforcement of penalties;
- (d) allowing for an appeal against a decision to impose a penalty;

and may make different provision for different purposes.

(3) Provision in an Order under this section about the procedure for imposing a penalty must provide for a person to be given an opportunity to object to a proposed penalty in the circumstances set out in the Order.

(4) An Order under this section must provide that no penalty may be imposed on a person for failure to comply with a requirement imposed under section 32(2) or by an Order made by the Minister under section 32A where—

- (a) proceedings have been instituted against the person under section 34 in respect of the same failure, or
- (b) the failure consists of a failure to provide information that the person has also been required to provide under paragraph 27, 27B or 27BA of Schedule 2 to the Immigration Act 1971 and—

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- (i) a penalty has been imposed on the person in respect of a failure to provide that information by virtue of an Order made by the Minister under paragraph 27BB of that Schedule, or
 - (ii) proceedings have been instituted against the person under section 27 of that Act in respect of a failure to provide that information, or
 - (c) the failure consists of a failure to provide information that the person has also been required to provide under an authority-to-carry scheme made by the Minister by Order under section 22 of the Counter-Terrorism and Security Act 2015 and a penalty has been imposed on the person in respect of a failure to provide that information by virtue of an Order made by the Minister under section 24 of that Act.
- (5) Any penalty paid by virtue of this section must be paid to the Treasurer of the States and credited to the Annual Income of the States.
- (6) The Subordinate Legislation (Jersey) Law 1960 shall apply to Orders under this section.”.
- 6.** In paragraph 8 (Amendments to section 34 of the Immigration, Asylum and Nationality Act 2006)—
 - (a) for sub-paragraph (2) substitute—
 - “(2) In subsection (1), for “imposed under section 32(2) or (3)” substitute “imposed—
 - (a) under section 32(2) or (3), or
 - (b) by an Order made by the Minister under section 32A”.”;
 - (b) in sub-paragraph (3), in the inserted subsection (1A), for “regulations” in both places substitute “an Order made by the Minister”;
 - (c) omit sub-paragraph (4).
- 7.** For the heading to Part 2 (AVIATION, SHIPPING AND RAIL) substitute “AVIATION AND SHIPPING”.
- 8.** In paragraph 9 (Amendments of the Aviation Security Act 1982: information and directions)—
 - (a) in sub-paragraph (3) for “the United Kingdom” substitute “Jersey”;
 - (b) in sub-paragraph (4) for all the words after “12 to 14),” substitute “for subsection (5) substitute—
 - “(5) In so far as a direction requires anything to be done or not done at a place outside Jersey—
 - (a) it shall have effect only in relation to—
 - (i) aircraft registered in Jersey, or
 - (ii) a requirement not to cause or permit an aircraft to fly in or into Jersey unless certain things have, or have not, been done, and
 - (b) it shall not have effect so as to require anything to be done or not done in contravention of any provision of the law (whether civil or criminal) in force at that place, other than any such provision relating to breach of contract.”;
 - (c) omit sub-paragraph (5);
 - (d) in sub-paragraph (6)—
 - (i) omit “paragraph (b) of”;
 - (ii) for “registered or operating in the United Kingdom” substitute “operating in Jersey”.

9. Omit paragraphs 10 (Amendments consequential upon paragraph 9(2)) and 11 (Amendments of the Aviation Security Act 1982: civil penalties for breach of directions).

10. In paragraph 12 (Amendments of the Aviation and Maritime Security Act 1990: information and directions)—

- (a) in sub-paragraph (2) for “Secretary of State” substitute “Minister”;
- (b) in sub-paragraph (3)(a) for “Secretary of State” substitute “Minister”;
- (c) omit sub-paragraph (5).

11. Omit paragraphs 13 and 14 (Amendments of the Channel Tunnel (Security) Order 1994: information and directions).