

2020 No. 1566

IMMIGRATION

The Immigration (EU Withdrawal) (Jersey) Order 2020

Made - - - - *16th December 2020*

Coming into force in accordance with article 1(1)

At the Court at Windsor Castle, the 16th day of December 2020

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 36 of the Immigration Act 1971(a), section 12(5) of the Immigration Act 1988(b) and section 8(2) and (3) of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(c) is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Immigration (EU Withdrawal) (Jersey) Order 2020 and comes into force on such day as the Minister may by Order appoint, and different days may be appointed for different provisions and for different purposes.

(2) In this Order—

“the 2020 Act” means the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020; and

“the Minister” means the Minister for Home Affairs (of Jersey).

(3) For the purposes of construing provisions of an Act as part of the law of Jersey, a reference to an enactment which extends to Jersey is to be construed as a reference to that enactment as it has effect in Jersey.

(4) The Interpretation (Jersey) Law 1954(d) applies to this Order and to the provisions extended by this Order as though this Order and the provisions so extended were included in the definition of “enactment” in Article 1 of that Law.

Extension of Part 1 and sections 6 and 9 of the 2020 Act to Jersey

2. Part 1 and sections 7 and 10 of the 2020 Act shall extend to Jersey subject to the modifications specified in the Schedule to this Order.

(a) 1971 c. 77.

(b) 1988 c. 14.

(c) 2020 c. 20.

(d) Revised Edition chapter 15.360.

Consequential amendment

3. In Part III of Schedule 1 to the Immigration (Jersey) Order 1993^(a), paragraph 2 is omitted

Richard Tilbrook
Clerk of the Privy Council

SCHEDULE

Article 2

Modifications of Part 1 and sections 7 and 10 of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 as they extend to Jersey

1. For section 1 (Repeal of the main retained EU law relating to free movement etc.), substitute—

“1 Repeal of section 7 of the Immigration Act 1988

Section 7 of the Immigration Act 1988 is repealed.”

2. In section 2 (Irish citizens: entitlement to enter or remain without leave)—
 - (a) in subsection (2), in section 3ZA (inserted in the Immigration Act 1971)—
 - (i) for “United Kingdom” in each place it occurs, substitute “Bailiwick of Jersey”;
 - (ii) for “Secretary of State” in each place it occurs, substitute “Minister”;
 - (b) in subsection (4) for “integration with UK law of immigration law of the Islands”, substitute “integration with Jersey law of immigration laws of the United Kingdom, Guernsey and the Isle of Man”.

3. Omit section 3 (Protection claimants: legal routes from the EU and family reunion).

4. For section 4 (Meaning of “the Immigration Acts” etc.) substitute—

“4 Meaning of the Immigration Acts etc.

(1) In section 33 of the Immigration Act 1971 (Interpretation) after subsection (1) insert the following subsection—

“(1A) A reference to “the Immigration Acts” in this Act or in any other provision having effect in the Bailiwick of Jersey is a reference to the Immigration Acts of the United Kingdom as they have effect for the time being as extended to Jersey.”.

(2) In section 167(1) of the Immigration and Asylum Act 1999, omit the definition of “the Immigration Acts”.

5. In section 5 (Consequential etc. provision)—
 - (a) in subsection (1) for “Secretary of State may by regulations made by statutory instrument make such provision as the Secretary of State” substitute “Minister may by Order make such provision as the Minister”;
 - (b) for subsection (2) substitute—

^(a) S.I. 1993/1797.

“(2) The power to make an Order under subsection (1) may (among other things) be exercised to modify any provision extended by, or made by or under, an Order in Council on or before the appointed day extending legislation of the United Kingdom to Jersey.”;

- (c) in subsection (3) for “regulations” substitute “an Order”;
- (d) in subsection (4) —
 - (i) for “Regulations” substitute “An Order”;
 - (ii) for “coming into force of the repeal of section 7(1) of the Immigration Act 1988 by paragraph 1 of Schedule 1”, substitute “appointed day”;
 - (iii) for “that Act”, substitute “the Immigration Act 1988”; and
 - (iv) for “the United Kingdom”, substitute “Jersey”;
- (e) in subsection (5)—
 - (i) for “Regulations” substitute “An Order”;
 - (ii) for “primary legislation passed before, or in the same Session as, this Act” substitute “the Immigration Acts having effect in Jersey on or before the appointed day”;
- (f) for subsection (6) substitute—

“(6) The Subordinate Legislation (Jersey) Law 1960 shall apply to Orders made by the Minister under subsection (1).”;
- (g) omit subsections (7), (8), (9) and (10).

6. In section 7 (Interpretation)—

- (a) omit the definition of “domestic law”;
- (b) insert the following definition—

“appointed day” means the day on which article 2 of the Immigration (EU Withdrawal) (Jersey) Order 2020 comes into force;”;
- (c) for the definition of “Minister of the Crown” substitute—

“the Minister” means the Minister for Home Affairs;”;
- (d) omit the definition of “primary legislation”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to Jersey with modifications Part 1 and sections 7 and 10 of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (c.20). It also amends the Immigration (Jersey) Order 1993 (S.I. 1993/1797).

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