

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Aliens Restriction (Guernsey) Law, 1958

(Registered on the Records of the Island of Guernsey
on the 19th day of January, 1959.)



PRICE 3/

I
1959

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 19th day of January, 1959, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present :— Sir John Leale, William Robert Freake Clark, Esquire, Bertram Bartlett, Esquire, O.B.E., Osmond Priaulx, Esquire, Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez, Bertram Guy Blampied, Esquires, Richard Edward Gibson, Esquire, O.B.E., Claude Fortescue Nason, Henry Robin Richard and Stanley Walter Gavey, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 19th day of December, 1958, ratifying a *Projet de Loi* entitled "The Aliens Restriction (Guernsey) Law, 1958",—the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands respectively, of which Order in Council the tenor followeth :—

At the Court at Buckingham Palace,

The 19th day of December, 1958.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT

MR. BOYD-CARPENTER

CHANCELLOR OF THE DUCHY OF LANCASTER

SIR HARRY HYLTON-FOSTER

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 10th day of December, 1958, in the words following, viz.:—

"YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February, 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

- ' 1. That, in pursuance of their Resolution of the 20th day of July, 1949, the States of Deliberation at a meeting held on the 30th day of July, 1958, approved a Bill or "Projet de Loi" entitled "The Aliens Restriction (Guernsey) Law, 1958," which Bill is designed to apply to the Bailiwick of Guernsey, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto.
2. That the Chief Pleas of the Island of Sark at a meeting held on the 19th day of August, 1958, considered the said Bill or "Projet de Loi,"

when a resolution was passed agreeing to the application of the same to Sark. 3. That the States of the Island of Alderney at a meeting held on the 18th day of November, 1958, considered the said Bill or "Projet de Loi," when a resolution was passed agreeing to the application of the same to Alderney. 4. That the said Bill or "Projet de Loi" is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The Aliens Restriction (Guernsey) Law, 1958" and to order that the same shall have the force of law in the Bailiwick of Guernsey.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Bailiwick of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. G. AGNEW.

Projet de Loi referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

The Aliens Restriction (Guernsey) Law, 1958

ARRANGEMENT OF SECTIONS

PART I

Section No.

Landing and embarkation

1. Restrictions on landing and embarkation.
2. Exception for members of the crew of a ship landing temporarily.
3. Provisions as to travellers within the common travel area.
4. Restrictions on grant of leave to land.
5. Landing conditions.
6. Identification and examination of persons landing and embarking.
7. Removal of aliens refused leave to land.
8. Removal of aliens landing unlawfully, etc.
9. Returns to be made by masters of ships and commanders of aircraft.
10. Other duties of masters of ships and commanders of aircraft.
11. Disclosure of documents by aliens landing and embarking.

PART II

*Section No.**Registration*

12. General register of aliens.
13. Duty of aliens to register on entry, etc.
14. Exemption from and postponement of registration in certain cases.
15. Duty to notify changes of residence, address, etc.
16. Supplementary provisions as to registration.
17. Production of registration certificates, etc.
18. Record of visitors to hotels.

PART III

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19. Deportation orders.
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PART IV

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PART V

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24. Offences.
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PART VI

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28. Arrest and detention.
29. Appointment and general powers of officers.
30. Financial provisions.
31. Interpretation.
32. Transitional provisions.
33. Repeals.
34. Commencement.

FIRST SCHEDULE

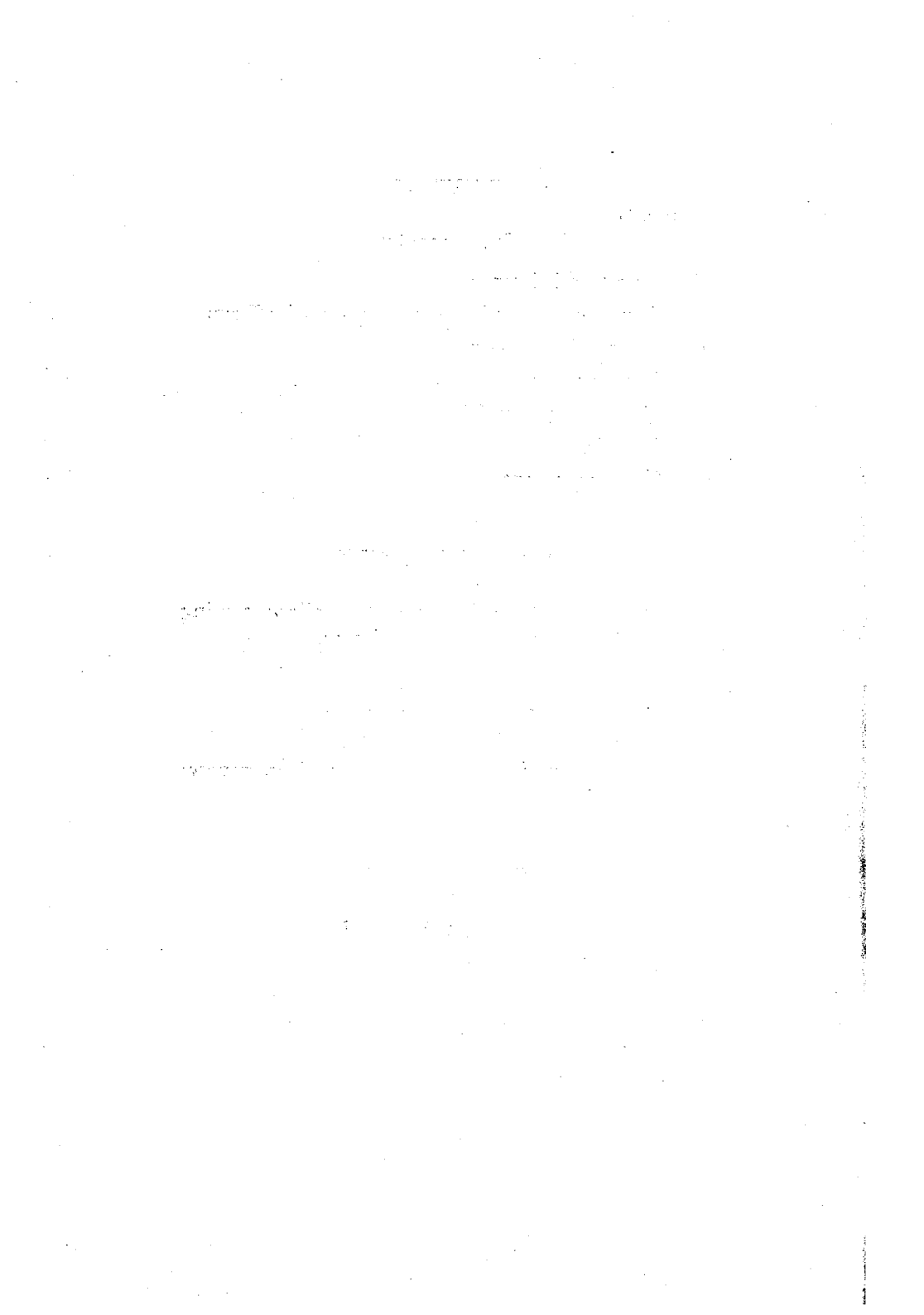
Provisions applicable to certain aliens coming
from the common travel area.

SECOND SCHEDULE

Particulars of aliens to be entered in general
register.

THIRD SCHEDULE

Enactments Repealed.



PROJET DE LOI

ENTITLED

The Aliens Restriction (Guernsey) Law, 1958

THE STATES, in pursuance of their Resolution of the twentieth day of July, nineteen hundred and forty-nine, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

PART I

Landing and Embarkation

1. (1) Subject to the succeeding provisions of this Law an alien shall not land or embark in the Bailiwick except with the leave of an immigration officer, and shall not so land or embark elsewhere than at an approved port or at such other place as an immigration officer may in any particular case allow.

Restrictions
on landing
and
embarka-
tion.

(2) In this Law "land" and "embark" mean respectively land from and embark in a ship or aircraft and, except where the context otherwise requires, any reference in this Law to landing or embarking shall be construed as including a reference to attempting to land or embark.

(3) The Lieutenant Governor shall by order designate the ports which are to be approved ports for the purposes of this Law; and any such order may specify in respect of any port so designated the limits of that port as an approved port.

Exception
for members
of the crew
of a ship
landing
temporarily.

2. (1) Subject to subsection (2) of this section leave to land shall not be required under section one of this Law in the case of an alien being a member of the crew of a ship at a port in the Bailiwick who lands (otherwise than after being discharged or for discharge) at any time while the ship remains at that port and leaves that port with the ship.

(2) Notwithstanding anything in subsection (1) of this section an immigration officer may at any time—

- (a) give notice to an alien who is for the time being on board a ship prohibiting him from landing without leave thereunder; or
- (b) grant or refuse leave to land to an alien who is within the Bailiwick after landing without leave thereunder;

and thereupon the said subsection (1) shall cease to apply to the alien.

Provisions
as to
travellers
within the
common
travel area.

3. (1) Subject to subsection (2) of this section the restrictions imposed by section one of this Law shall not apply in the case of an alien landing from a ship or aircraft coming from a place in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland (in this Law collectively referred to as the common travel area) or embarking in a ship or aircraft bound for such a place.

(2) Notwithstanding anything in subsection (1) of this section the said restrictions shall apply in the case of an alien landing from an aircraft coming from a place in the common travel area if the alien entered that area in the course of his journey to the Bailiwick in an aircraft not coming from a place in that area, and did not obtain leave to land in any part of that area in the course of his said journey under the law in force there.

(3) Where an alien who lands in the Bailiwick on any occasion without the leave of an immigration officer in accordance with this section is a person who last entered the common travel area, when coming from a place outside that area, by landing in the Island of Jersey, the United Kingdom, the Isle of Man or the Republic of Ireland, the First Schedule to this Law shall (subject to subsection (4) of this section) apply to him in respect of his landing on that occasion.

(4) In determining for the purpose of subsection (3) of this section the time when an alien last entered the common travel area, no account shall be taken of any occasion on which leave to land was refused to him under this Law, or on which he landed without such leave in accordance with section two of this Law; and notwithstanding anything in the said subsection (3), the First Schedule to this Law shall not apply to an alien in respect of his landing on any occasion upon which he is authorised to land without such leave by the said section two as well as by this section.

4. (1) Except with the authority of the Lieutenant Governor an immigration officer shall not grant leave to an alien to land in the Bailiwick unless the alien—

Restrictions
on grant of
leave to land.

- (a) is in a position to support himself and his dependants (if any) in the Bailiwick; and
- (b) where he proposes to enter the employment of a particular employer in the Bailiwick, produces a permit in writing for his engagement issued to that employer by or under the authority of the Board upon payment of such fee as may be prescribed by order of the Board.

(2) Except with the authority aforesaid an immigration officer shall not grant leave to an alien to land in the Bailiwick—

- (a) if the alien has been sentenced in a foreign country for any extradition crime within the meaning of the Extradition Acts, 1870 to 1935;
- (b) if the alien is a person of unsound mind or a mentally defective person; or
- (c) if it is certified by a medical inspector that it is undesirable for medical reasons that the alien should be permitted to land.

**Landing
conditions.**

5. (1) Leave to land may be granted to an alien under this Law subject to any conditions (in this Law referred to as landing conditions) of which notice is given to the alien by the immigration officer.

(2) In the case of an alien who is a member of a party in the charge of a responsible person, notice of any landing conditions subject to which leave to land is granted shall be deemed to be given to the alien if it is given in writing to the person in charge of the party.

(3) The appropriate Authority may at any time by notice in writing given to any particular alien, or by order applying to aliens of any specified class, revoke or vary in such manner as the Authority thinks fit any landing conditions for the time being in force in the case of that alien, or of aliens of that class, as the case may be.

For the purposes of this subsection the expression "appropriate Authority" means—

- (a) as respects landing conditions limiting the time during which an alien may remain in the Bailiwick, the Lieutenant Governor;
- (b) as respects other landing conditions, the Board.

(4) Any landing conditions imposed by virtue of this section in the case of an alien who lands in the Bailiwick on any occasion shall cease to apply to the alien if he subsequently enters any country outside the common travel area.

(5) Except as provided by subsection (4) of this section the application to an alien, while within the Bailiwick, of any such landing conditions as aforesaid shall not be affected by the fact that the alien has left and re-entered the Bailiwick; and without prejudice to the foregoing provision, where any such condition limits the period during which the alien may remain in the Bailiwick he shall be deemed to contravene that condition if he is found in the Bailiwick at any time after the expiration of that period, unless the said condition has ceased to apply to him under the said subsection (4).

6. (1) Subject to subsection (5) of this section every person of or over the age of sixteen years who lands or embarks in the Bailiwick shall, if so required by an immigration officer, produce to that officer—

Identifica-
tion and
examination
of persons
landing and
embarking.

- (a) in every case, either a valid passport furnished with a photograph of himself or some other document satisfactorily establishing his identity and nationality;
- (b) if he is an alien, a landing or embarkation card in the form prescribed by order of the Lieutenant Governor (to be supplied for the purpose by the owners or agents of the ship or aircraft concerned) duly completed.

(2) Subject to the said subsection (5) an immigration officer may examine any person seeking to land or embark in the Bailiwick for the purpose of ascertaining whether that person is or is not an alien and, in the case of an alien, for the purpose of determining whether leave to land or embark

should be granted to him under this Law; and it shall be the duty of every such person to furnish to an immigration officer such information as that officer may require for the purpose of his functions under this subsection.

(3) Notwithstanding anything in section one of this Law an alien may land, without the previous grant of leave to land, for the purpose of examination under this section in accordance with arrangements in that behalf approved by an immigration officer, and if he submits himself forthwith to such examination shall be deemed for the purposes of this Law not to have landed unless and until such leave is granted to him; and an alien who lands as aforesaid may be detained, pending and during the examination, under the authority of an immigration officer.

(4) The powers of an immigration officer under subsection (2) of this section may be exercised also, in respect of an alien seeking to land, by a medical inspector, and references in that subsection and in subsection (3) of this section to examination shall be construed accordingly.

(5) This section shall not apply to any person landing or seeking to land from a ship coming from a place in the common travel area, or embarking or seeking to embark in a ship or aircraft bound for a place in that area; and shall not apply to a person landing or seeking to land from an aircraft coming from a place in the common travel area unless that person—

- (a) entered that area in the course of his journey to the Bailiwick in an aircraft not coming from a place in that area; and
- (b) did not obtain leave to land in any part of that area in the course of his said journey under the law in force there.

7. (1) Where leave to land is refused to an alien, an immigration officer may, subject to subsection (2) of this section, give directions—

Removal of
aliens
refused leave
to land.

- (a) to the master of the ship or commander of the aircraft in which the alien arrived in the Bailiwick, requiring him to remove the alien from the Bailiwick in that ship or aircraft;
- (b) to the owners or agents of the said ship or aircraft, requiring them to remove the alien from the Bailiwick in any ship or aircraft specified in the directions, being a ship or aircraft of which they are the owners or agents;
- (c) to the said owners or agents, requiring them to make arrangements for the removal of the alien from the Bailiwick in any ship or aircraft bound for a country specified in the directions, being either—
 - (i) a country of which the alien is a national or in which he embarked for the Bailiwick; or
 - (ii) a country to which there is reason to believe that the alien will be admitted; and for securing him a passage to that country.

(2) No directions shall be given under this section in respect of an alien after the expiration of two months from the date on which he last arrived in the Bailiwick.

(3) An alien in respect of whom directions are given under subsection (1) of this section may be placed, under the authority of an immigration officer, on board any ship or aircraft in which he is to be removed in accordance with the directions.

(4) An alien to whom leave to land is refused may be detained, under the authority of an immigration officer, pending the giving of directions in his case under subsection (1) of this section and pending his removal in pursuance of directions so given; and where any such alien is on board a ship or aircraft he may, under the like authority, be removed therefrom for detention under this subsection.

Removal of
aliens
landing
unlawfully,
etc.

8. (1) Subject to subsection (2) of this section, section seven of this Law shall apply to any alien who—

- (a) is found in the Bailiwick after landing without leave in contravention of this Law, or after landing without leave in the Island of Jersey, the United Kingdom or the Isle of Man in contravention of the law in force there, and not having in the interval entered any country outside the common travel area;
- (b) having landed in the Bailiwick from a ship in which he was a member of the crew with leave to land granted subject to a landing condition requiring him to leave the Bailiwick in a specified ship, or requiring him to leave the Bailiwick within a specified period in accordance with arrangements for his repatriation, fails to comply with that condition, or is reasonably suspected of intending so to fail; or
- (c) having landed at a port in the Bailiwick without the leave of an immigration officer in accordance with section two of this Law from a ship in which he was a member of the crew, fails to leave that port with the ship in accordance with subsection (1) of that section, or is reasonably suspected of intending so to fail;

as if he were an alien to whom leave to land is refused.

(2) In relation to an alien to whom subsection (1) of this section applies, being an alien who landed in the Bailiwick from a ship in which he was a member of the crew or a stowaway, the said section seven shall apply as if subsection (2) of that section were omitted and as if the countries mentioned in subsection (1) (c) included the country in which the alien was engaged or stowed away, as the case may be.

9. (1) Subject to the provisions of this section the master of a ship at a port in the Bailiwick (not being a ship coming from or bound for a place in the common travel area) shall—

Returns to be made by masters of ships and commanders of aircraft.

- (a) if so required by an immigration officer, furnish to that officer a list of the names and nationalities of all passengers arriving or intending to travel on board the ship; and
- (b) within twelve hours after the arrival of the ship at the port, furnish to an immigration officer a return containing such particulars as the immigration officer may require of any members of the crew arriving in the ship who are aliens or were engaged outside the common travel area.

(2) Subject to the provisions of this section the commander of an aircraft at a port in the Bailiwick (not being an aircraft bound for a place in the common travel area) shall—

- (a) if so required by an immigration officer, furnish to that officer a list of the names and nationalities of all passengers arriving or intending to travel on board the aircraft; and
- (b) as soon as practicable after the arrival of the aircraft at the port, furnish to an immigration officer a list of the names and

nationalities of all members of the crew arriving in the aircraft who are aliens.

(3) In relation to an aircraft coming from a place in the common travel area, subsection (2) of this section shall have effect as if for the reference in paragraph (a) to all passengers arriving on board the aircraft there were substituted a reference to any passengers so arriving being aliens to whom subsection (2) of section three of this Law applies, and as if paragraph (b) were omitted.

(4) An immigration officer may in any particular case by notice given to the master of a ship or commander of an aircraft dispense with the furnishing of the return required under this section in respect of members of the crew of that ship or aircraft.

(5) Any passenger in a ship or an aircraft shall furnish to the master of the ship or the commander of the aircraft, as the case may be, any information required by him for the purpose of furnishing a return under this section.

Other duties
of masters
of ships and
commanders
of aircraft.

10. (1) The master of a ship or commander of an aircraft arriving at a port in the Bailiwick shall take such steps as may be necessary for preventing any person subject to examination under section six of this Law from landing from the ship or aircraft until that person has been examined under that section, or lands for examination in accordance with arrangements approved thereunder.

(2) The master of a ship or commander of an aircraft at a port in the Bailiwick shall, if so required by an immigration officer, take such steps as may be necessary for preventing—

(a) any alien arriving in the ship or aircraft to whom leave to land has been refused;

- (b) any alien placed on board the ship or aircraft under subsection (3) of section seven of this Law, or under that subsection as applied by section eight of this Law;

from landing while the ship or aircraft remains at the port.

(3) The master of a ship at a port in the Bailiwick shall, if so required by an immigration officer, take such steps as may be necessary for preventing any alien member of the crew (being an alien in whose case notice has been given by an immigration officer under subsection (2) of section two of this Law prohibiting the alien from landing without leave) from landing while the ship remains at the port except in accordance with leave to land.

(4) For the purpose of preventing any person from landing as mentioned in this section, the master of a ship or commander of an aircraft may detain that person in custody on board the ship or aircraft.

11. (1) Any alien landing or embarking in the Bailiwick (not being an alien who, under section three of this Law, may land or embark, as the case may be, without leave) shall, on being required so to do by an immigration officer or a member of the Island Police Force—

Disclosure of documents by aliens landing and embarking.

- (a) declare whether or not he is carrying or conveying any documents;
- (b) produce to the officer or member any documents which he is carrying or conveying;

and an immigration officer or a member of the Island Police Force may search any such alien and any baggage belonging to him or under his control with a view to ascertaining whether the alien is carrying or conveying any documents, and may examine, and

may detain for such time as he thinks proper for the purpose of examination, any documents produced to him or found on such a search.

(2) In this section "documents" means letters, memoranda, plans, photographs, pictorial representations and other written matter of any description.

PART II

Registration

General
register
of aliens.

12. (1) For the purposes of this Law the Chief Officer of the Island Police Force or such other person as the Board may appoint shall be the registration officer.

(2) The registration officer shall keep a general register of aliens in the Bailiwick containing the particulars specified in the Second Schedule to this Law, and shall—

- (a) furnish to the Board, at such times and in such form as may be required by the Board, such information as may be so required as to particulars contained in that register; and
- (b) supply certificates of registration to aliens of whom particulars are entered in that register, upon payment of such fee as may be prescribed by order of the Board.

(3) Anything required or authorised by this Law to be done by or to the registration officer may be done by or to any member of the Island Police Force or other person who is authorised by the registration officer to act for the purposes of this Law.

13. (1) Subject to section fourteen of this Law every person who—

Duty of
aliens to
register on
entry, etc.

- (a) being an alien of or over the age of sixteen years, enters the Bailiwick on any occasion;
- (b) being an alien within the Bailiwick, attains the said age or, having previously been exempted from this section (otherwise than by reason of his age), ceases to be so exempted; or
- (c) being of or over the said age, becomes an alien while in the Bailiwick;

shall forthwith comply with subsection (2) of this section.

(2) Every such alien as aforesaid shall attend at the office of the registration officer, and furnish to that officer such information, documents and other particulars as are required for the purposes of the general register and for the purpose of the issue of a registration certificate in respect of the alien, and in particular shall either—

- (a) produce to that officer a passport furnished with a photograph of himself or some other document satisfactorily establishing his identity and nationality; or
- (b) give to that officer a satisfactory explanation of the circumstances which prevent him from producing such a passport or document.

(3) If the registration officer is uncertain what nationality (if any) is to be ascribed to an alien by whom particulars are furnished under this section, he may describe the alien in the general register, and in any registration certificate supplied to the alien, as being of uncertain nationality or of such nationality as appears to the officer to be the probable nationality of the alien.

Exemption from and postponement of registration in certain cases.

14. (1) An alien shall not be required to attend and furnish particulars under subsection (2) of section thirteen of this Law by reason of his entering the Bailiwick on any occasion—

- (a) if he is a resident in the Bailiwick immediately before his entry, and has previously furnished particulars under that subsection;
- (b) if, being a member of the crew of a ship at a port in the Bailiwick, he enters by landing without leave in accordance with section two of this Law, and leaves port with the ship.

(2) Without prejudice to subsection (1) of this section, an alien shall not be required to attend and furnish particulars under the said subsection (2) by reason of his entering the Bailiwick on any occasion until the expiration of three months after his entry, unless he is required by landing conditions to comply with the said subsection (2) forthwith.

Duty to notify changes of residence, address, etc.

15. (1) Every alien who has furnished particulars under section thirteen of this Law and who for the time being has a residence in the Bailiwick shall, on effecting a change of residence within the Bailiwick, report his arrival at his new residence to the registration officer within seventy-two hours after his arrival.

(2) Where any such alien as aforesaid, without effecting a change of residence within the Bailiwick, is absent from his residence therein for a continuous period exceeding two months, he shall—

- (a) if he is within the Bailiwick at the expiration of two months from the time when he left his said residence, forthwith give notice in writing to the registration officer, specifying his address for the time being;
- (b) from time to time give the like notice of any address within the Bailiwick which he

may subsequently have during his absence; and

- (c) on returning to his said residence (whether he has left the Bailiwick during his absence or not), give the like notice of his return.

(3) Subject to subsection (4) of this section every alien who has furnished particulars under the said section thirteen and who has for the time being no residence in the Bailiwick shall, if he moves from one address to another within the Bailiwick, give notice of his new address within seventy-two hours after his arrival to the registration officer.

16. (1) Every alien who has furnished particulars under section thirteen of this Law shall—

Supplementary provisions as to registration.

- (a) within seventy-two hours after the occurrence of any event affecting the accuracy of any particulars entered in his registration certificate (other than particulars specified in paragraphs 8 to 10 of the Second Schedule to this Law), give notice thereof to the registration officer; and
- (b) if so required by the registration officer, supply to that officer any information (including, where so required, a recent photograph of himself) which may be necessary for maintaining the accuracy of the general register.

(2) On the making of any alteration or addition in the general register in respect of an alien, the alien shall, if so required by the registration officer, produce his registration certificate in order that any necessary alteration or addition may be made therein.

(3) An alien required under section thirteen of this Law or under this section to furnish a photograph of himself for the purpose of paragraph 15 of

the Second Schedule to this Law shall furnish two copies of the same photograph; and if he fails to furnish such a photograph in accordance with this subsection, the registration officer may cause him to be photographed for the purpose.

Production
of registra-
tion certi-
ficates, etc.

17. (1) Every alien shall, on demand made at any time by any immigration officer or member of the Island Police Force, either produce to the officer or member—

- (a) if the alien has furnished particulars under section thirteen of this Law, his registration certificate;
- (b) if the alien has not furnished such particulars, a passport containing a photograph of himself or some other document satisfactorily establishing his identity and nationality;

or give to the officer or member a satisfactory reason for not producing such a registration certificate, passport or other document as aforesaid.

(2) If an alien fails on any occasion to comply with subsection (1) of this section, he may (without prejudice to the taking of any proceedings against him in respect of the failure) be detained pending the making of inquiries as to his identity and nationality.

Record of
visitors to
hotels.

18. (1) Every person of or over the age of sixteen years who stays at any premises to which this section applies shall, on arriving at the premises, inform the keeper of the premises of his full name and nationality.

- (2) Every such person who is an alien shall also—
- (a) on arriving at the premises, inform the keeper of the premises of the number and place of issue of his registration certificate, passport or other document establishing his identity and nationality; and

- (b) on or before his departure from the premises, inform the keeper of the premises of his next destination and, if it is known to him, his full address there.

(3) The keeper of any premises to which this section applies shall—

- (a) require all persons of or over the age of sixteen years who stay at the premises to comply with their obligations under the foregoing provisions of this section; and
- (b) keep for a period of at least twelve months a record in writing of the date of arrival of every such person and of all information given to him by any such person in pursuance of the said provisions;

and every such record shall at all times be open to inspection by any member of the Island Police Force or by any person authorised by the Board.

(4) This section applies to any premises, whether furnished or unfurnished, where lodging or sleeping accommodation is provided for reward:

PROVIDED that the Chief Officer of the Island Police Force may direct that this section shall not apply to any specified premises, being premises appearing to that officer to be occupied for the purposes of any school, hospital, club or other institution or association.

(5) In this section “keeper”, in relation to any premises, includes any person who for reward receives any other person to stay in the premises, whether on his own behalf or as manager or otherwise on behalf of any other person; and “stay” means lodge or sleep, for one night or more, in accommodation provided for reward.

(6) Any information required by this section to be given by or to any person may be given by or to any other person acting on his behalf.

PART III

Deportation

Deportation
orders.

19. (1) The Lieutenant Governor may, if he thinks fit, in any such case as is mentioned in subsection (2) of this section make an order (in this Law referred to as a "deportation order") requiring an alien to leave and to remain thereafter out of the Bailiwick.

(2) A deportation order may be made in the case of an alien in the following circumstances, that is to say—

- (a) if any court exercising jurisdiction in the Bailiwick certifies to the Lieutenant Governor that the alien has been convicted either by that court, or by any inferior court from which the case has been brought by way of appeal, of an offence for which the court has power to impose imprisonment and that the court recommends that a deportation order be made in his case; or
- (b) if the Lieutenant Governor deems it to be conducive to the public good to make a deportation order against the alien.

(3) Where a case in which a court exercising jurisdiction in the Bailiwick has made a recommendation for deportation is brought by way of appeal against conviction or sentence before a higher court, and that court certifies to the Lieutenant Governor that it does not concur in the recommendation, that recommendation shall be of no effect, but without prejudice to the power of the Lieutenant Governor to make a deportation order under subsection (2) (b) of this section.

(4) Where, under the law in force in the Island of Jersey, the United Kingdom or the Isle of Man, an order is in force against an alien requiring him to leave, and thereafter to remain out of, the Island of Jersey, the United Kingdom or the Isle of Man, as the case may be, that order shall, unless the Lieutenant Governor otherwise directs, have effect as if it were a deportation order made under this section.

(5) A deportation order made in the case of any person shall continue in force notwithstanding that that person subsequently ceases to be an alien; and for all the purposes of this Law any such person shall be deemed to continue to be an alien.

20. (1) An alien in whose case a deportation order has been made may be placed, under the authority of the Lieutenant Governor, on board any ship or aircraft which is about to leave the Bailiwick; and the master of the ship or commander of the aircraft shall, if so required by an immigration officer, take such steps as may be necessary for preventing the alien from landing from the ship or aircraft before it leaves the Bailiwick, and may for that purpose detain the alien in custody on board the ship or aircraft.

Removal of
aliens sub-
ject to
deportation
orders.

(2) The Lieutenant Governor or an immigration officer may give directions to the master of any ship or commander of any aircraft which is about to leave the Bailiwick, requiring him to afford to any alien in whose case a deportation order has been made, and to his dependants (if any), a passage to any port specified in the directions, being a port at which the ship or aircraft is to call in the course of its voyage, and proper accommodation and maintenance during the passage.

(3) The Lieutenant Governor may, if he thinks fit, apply any money or property belonging to any

such alien as aforesaid in payment of the whole or any part of the expenses of or incidental to the voyage from the Bailiwick and the maintenance until departure of the alien and his dependants (if any).

(4) An alien in whose case a deportation order has been made may be detained, under the authority of the Lieutenant Governor, until he is dealt with under subsection (1) of this section; and an alien in whose case a recommendation for deportation is in force under section nineteen of this Law shall (unless the court, in a case where the alien is not sentenced to imprisonment, otherwise directs) be detained until the Lieutenant Governor makes a deportation order in his case or directs him to be released.

PART IV

Special restrictions and exemptions

Special
restrictions.

21. The Board may by order impose on any particular alien, or upon aliens of any specified class, such special restrictions as to residence, reporting to the police, occupation or employment as it considers necessary in the public interest.

General
power to
grant
exemptions.

22. The Board may direct that any particular person, or persons of any specified class, shall be exempt, either unconditionally or subject to such conditions as the Board may impose, from all or any of the provisions of this Law:

PROVIDED that without the consent of the Lieutenant Governor no exemption shall be granted under this section from any of the provisions of sections one to eleven, nineteen and twenty of this Law.

Particular
exemptions.

23. (1) This Law shall not apply to any person being an envoy of a foreign sovereign Power accre-

dited to Her Majesty, or a member of the household or official staff of such an envoy, or being entitled to the like immunity from suit and legal process as is accorded to such an envoy.

(2) An alien who is a British protected person shall be deemed not to be an alien for the purposes of this Law.

(3) Except so far as the Lieutenant Governor may otherwise direct in any particular case, an alien who for the time being—

- (a) is subject to service law as a member of any of Her Majesty's naval, military or air forces, or of the naval, military or air forces of India or Pakistan; or
- (b) is serving in the Channel Islands, the United Kingdom or the Isle of Man as a member of any of the armed forces of any country specified by direction of the Lieutenant Governor, and is neither on leave for a period exceeding twenty-one days nor absent without leave;

shall be deemed not to be an alien for the purposes of this Law.

(4) In this section "service law" means the Naval Discipline Act, 1957, military law or the Air Force Act, 1955, or any corresponding enactment or law applicable to the forces of any Commonwealth country.

PART V

Offences and Proceedings

24. (1) If any person acts in contravention of, or Offences.
fails to comply with, any provision of this Law or of any order made or conditions imposed or direc-

tions given thereunder, he shall be guilty of an offence against this Law.

(2) If any person aids or abets any person in the commission of an offence against this Law, or knowingly harbours any person whom he knows or has reasonable grounds for believing to have committed such an offence, he shall be guilty of an offence against this Law; and where an alien lands or embarks in contravention of this Law, the master of the ship or the commander of the aircraft, as the case may be, from which he lands or on which he embarks shall, until the contrary is proved, be deemed to have aided and abetted the contravention.

(3) If any person—

- (a) makes or causes to be made to any officer or person lawfully acting in the execution of this Law any false return, false statement or false representation; or
- (b) refuses to produce to any such officer or person any document, or to furnish him with any information, which the said officer or person may reasonably require for the purposes of this Law, or otherwise obstructs any officer or person in the exercise of his functions under this Law; or
- (c) without lawful authority, alters any certificate or document issued or made under this Law, or uses for the purposes of this Law, or has in his possession for such use, any forged, altered or irregular certificate, passport, visa or other document;

he shall be guilty of an offence against this Law.

(4) Any powers exercisable under this Law in the case of an alien may be exercised notwithstanding that proceedings for an offence against this Law have been taken against the alien.

25. (1) Any person guilty of an offence against this Law shall be liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months, and the court by which he is convicted may either in addition to or in lieu of any such punishment require him to enter into recognizances, with or without sureties, to comply with the provisions of this Law or such provisions thereof as the court may direct.

Penalties
and pro-
ceedings

(2) If any person fails to comply with an order of a court requiring him to enter into recognizances under subsection (1) of this section, that court may commit him to prison for a term not exceeding six months.

(3) For the purpose of the trial of a person for any offence against this Law the offence shall be deemed to have been committed either at the place at which it actually was committed or at any place in which the offender may be.

26. (1) Every document purporting to be an order, direction, notice, authority or other instrument made or issued by the Lieutenant Governor or the Board in pursuance of any provision contained in, or having effect under, this Law, and to be signed by or on behalf of the Lieutenant Governor or the Board, shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by him or it.

Proof of
instruments

(2) Prima facie evidence of any such instrument as aforesaid may in any legal proceedings be given by the production of a document bearing a certificate purporting to be signed by or on behalf of the Lieutenant Governor or the Board and stating that the document is a true copy of the instrument.

(3) Where such an instrument as aforesaid applies to persons specified in a schedule thereto, prima facie evidence of the provisions of the instrument other than the schedule and of any entry contained in the schedule may in any legal proceedings be given by the production of a document purporting to be signed as aforesaid and stating that the document is a true copy of the said provisions and of the relevant entry.

Onus of
proof.

27. If any question arises on any proceedings under this Law, or on any proceedings with reference to anything done or proposed to be done under this Law, whether or not a person is an alien, the onus of proving that he is not an alien shall lie on him.

PART VI

Supplemental

Arrest and
detention.

28. (1) Any person who has committed or is reasonably suspected of having committed an offence against this Law, and any person who may be detained in pursuance of any provision of this Law, may be arrested without warrant by an immigration officer or member of the Island Police Force.

(2) A person detained in pursuance of any provision of this Law (otherwise than on board a ship or aircraft) shall be detained in such place as may be prescribed by order of the Lieutenant Governor or (in the case of detention under subsection (2) of section seventeen) the Board; and every person detained in pursuance of any such provision shall, while so detained, be deemed to be in legal custody.

An order of the Lieutenant Governor under this subsection may include provision for requiring the master of a ship or the commander of an aircraft in

which an alien who is detained under subsection (4) of section seven of this Law arrived in the Bailiwick, or the owners or agents of that ship or aircraft, to pay the whole or any part of the expenses of, or incidental to, the detention of the alien and of his maintenance during the detention.

(3) Where an alien is in custody, having been arrested or detained under this Law, any immigration officer, member of the Island Police Force or prison officer, or any other person authorised by the Lieutenant Governor or the Board to act under this subsection, may take all such steps as may be reasonably necessary for photographing, measuring or otherwise identifying the alien.

(4) An alien who is detained under this Law, or in pursuance of a sentence or order of any court, may be taken in the custody of a member of the Island Police Force to and from any place where his attendance is required for the purpose of ascertaining his nationality or of making arrangements for his admission to another country.

29. (1) Immigration officers for the purposes of this Law shall be appointed by the Board with the concurrence of the Lieutenant Governor, and the Board, with the concurrence aforesaid, may arrange for the employment of customs or other officers as immigration officers under this Law.

Appointment and general powers of officers.

(2) In the performance of their functions under this Law, immigration officers shall act in accordance with such instructions as may be given by the Lieutenant Governor or the Board.

(3) Medical inspectors for the purposes of this Law may be appointed by the States Board of Health in pursuance of arrangements made between that Board and the Lieutenant Governor; and such inspec-

tors shall, in the exercise of their functions under this Law, act in accordance with such instructions as may be given by that Board in pursuance of such arrangements as aforesaid.

(4) For the purpose of any of his functions under this Law, an immigration officer or medical inspector may board or enter any ship or aircraft.

Financial
provisions.

30. All costs incurred in carrying into effect the provisions of this Law, including the remuneration (if any) of an immigration officer or medical inspector appointed under section twenty-nine of this Law, and all monies received by a person or authority in the exercise of his or its powers under this Law, shall be paid out of or into the general revenues of the States of Guernsey, as the case may be.

Interpreta-
tion.

31. (1) In this Law the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“approved port” means a port designated as such under section one of this Law;

“Board” means the States of Guernsey Board of Administration;

“common travel area” has the meaning assigned by section three of this Law;

“deportation order” has the meaning assigned by section nineteen of this Law;

“embark” has the meaning assigned by section one of this Law;

“general register” means the register of aliens kept under subsection (2) of section twelve of this Law;

“immigration officer” means an officer appointed or employed as such under section twenty-nine of this Law;

- “land” has the meaning assigned by section one of this Law;
- “landing conditions” has the meaning assigned by section five of this Law;
- “leave to land”, except where the context otherwise requires, means leave to land in the Bailiwick granted under section one of this Law;
- “medical inspector” means an inspector appointed as such under section twenty-nine of this Law;
- “member of the crew”, in relation to a ship or aircraft, means any person actually employed in the working or service of the ship or aircraft, including the master of the ship or the commander of the aircraft;
- “passenger” means any person travelling or seeking to travel on board a ship or aircraft who is not a member of the crew;
- “port” includes any place where a person lands or embarks in the Bailiwick;
- “registration certificate” means a certificate of registration supplied in accordance with subsection (2) of section twelve of this Law;
- “registration officer” has the meaning assigned by section twelve of this Law;
- “ship” includes every description of vessel used in navigation.

(2) Any reference in this Law to a ship or aircraft coming from a place in the common travel area shall be construed as a reference to a ship or aircraft which started its voyage at such a place and has not during the voyage called at any place outside that area; and any reference to an aircraft not coming from a place in the common travel area shall be construed accordingly.

(3) Any reference in this Law to a ship or aircraft bound for a place in the common travel area

shall be construed as a reference to a ship or aircraft which is due to end its voyage at such a place and is not due to call during the voyage at any place outside that area.

Transitional provisions.

32. Anything which was done in relation to or in any way affecting an alien under the law in force before the time when this Law comes into force and which is in force at that time shall, in so far as it could have been done under any provision of this Law, be deemed to have been done under that provision, and that provision shall have effect accordingly.

Repeals.

33. Subject to section thirty-two of this Law the enactments set out in the Third Schedule to this Law shall be repealed.

Commencement.

34. This Law shall come into force on such day as shall be appointed by the States by Ordinance.

FIRST SCHEDULE Section three

Provisions applicable to certain aliens coming from the common travel area

1. (1) An alien to whom this Schedule applies by virtue of subsection (3) of section three of this Law and who, on the occasion on which he lands in the Bailiwick as mentioned in the said subsection, does so on coming from a place in the Island of Jersey, the United Kingdom or the Isle of Man shall not, except with permission granted by or on behalf of the Lieutenant Governor, remain in the Bailiwick after the expiration of the period during which, at the time when he left for the Bailiwick, he was permitted to remain in the Island of Jersey, the United

Kingdom or the Isle of Man, as the case may be, in accordance with the law in force there.

(2) In the case of an alien who lands in the Bailiwick on coming from a place in the Island of Jersey or Northern Ireland the provisions of this paragraph shall be without prejudice to those of paragraph 2 of this Schedule.

2. (1) Subject to sub-paragraph (2) of this paragraph an alien to whom this Schedule applies by virtue of subsection (3) of section three of this Law and in respect of whom the following conditions are satisfied, that is to say—

- (a) that he last entered the common travel area, when coming from a place outside that area, by landing in the Republic of Ireland; and
- (b) that between the time when he landed in the Republic of Ireland and the time when he lands in the Bailiwick he has not entered Great Britain or the Isle of Man;

shall not, except with permission granted by or on behalf of the Lieutenant Governor, remain in the Bailiwick for a period exceeding one month from the date on which he lands.

(2) When an alien to whom this paragraph applies in respect of his landing in the Bailiwick on any occasion leaves the Bailiwick and again lands in the Bailiwick in circumstances in which this paragraph applies also in respect of the subsequent landing, then, if less than one month elapses between the date on which the alien leaves the Bailiwick and the date of the subsequent landing, the period specified in sub-paragraph (1) of this paragraph shall be reckoned from the date from which it falls to be reckoned immediately before the alien leaves the Bailiwick as aforesaid.

3. An alien to whom paragraph 1 or 2 of this Schedule has become applicable shall be deemed to contravene the said paragraph 1 or 2, as the case may be, if he is found in the Bailiwick at any time when he is no longer permitted to remain therein in accordance with that paragraph.

4. An alien to whom this Schedule applies by virtue of subsection (3) of section three of this Law shall not, except with permission granted by or on behalf of the Board—

- (a) enter into any employment in the service of an employer; or
- (b) become engaged in any business, profession or occupation for reward otherwise than in the service of an employer;

and any permission granted for the purposes of this paragraph may be granted subject to conditions.

SECOND SCHEDULE

Section twelve

Particulars of aliens to be entered in general register

1. Name in full.
2. Sex.
3. Matrimonial status (married or single).
4. (a) Date of birth.
(b) Country of birth.
5. (a) Present nationality.
(b) How and when acquired.
(c) Previous nationality, if any.
6. Particulars of passport or other document establishing identity and nationality.
7. Business, profession or occupation.

8. Residence in the Bailiwick (or address if no residence).
9. Last residence outside the Bailiwick.
10. (a) Date of arrival in the Bailiwick.
(b) Place of arrival in the Bailiwick.
(c) Mode of arrival in the Bailiwick.
11. Landing conditions, if any.
12. (a) If employed in the Bailiwick:—
(i) name of employer;
(ii) address at which employed.
(b) If engaged in business or profession in the Bailiwick but not employed:—
(i) name under which business or profession is carried on;
(ii) address at which business or profession is carried on.
13. Particulars of any service (including past service) under the government of any country:—
(a) name of country served;
(b) nature of service;
(c) duration of service;
(d) rank or appointment held.
14. Signature (or finger prints if unable to write in the characters of the English language).
15. Photograph.

THIRD SCHEDULE

Section thirty-three

Enactments Repealed

The Law entitled "Loi portant réglementation sur l'Admission et l'Enregistrement des Etrangers" registered on the Records of the Island of Guernsey

on the twenty-ninth day of July, nineteen hundred and twenty-two.

The Law entitled "Loi Supplémentaire à la Loi portant réglementation sur l'Admission et l'Enregistrement des Etrangers" registered on the Records of the Island of Guernsey on the sixteenth day of February, nineteen hundred and twenty-four.

The Law entitled "Loi Supplémentaire à la Loi portant réglementation sur l'Admission et l'Enregistrement des Etrangers" registered on the Records of the Island of Guernsey on the fourth day of September, nineteen hundred and twenty-six.

The Law entitled "Loi portant réglementation sur l'Admission et l'Enregistrement des Etrangers (Auregny)" registered on the Records of the Island of Guernsey on the twenty-seventh day of November, nineteen hundred and twenty-six.

The Law entitled "Loi supplémentaire à la Loi portant réglementation sur l'Admission et l'Enregistrement des Etrangers" registered on the Records of the Island of Guernsey on the twenty-seventh day of February, nineteen hundred and thirty-two.

R. H. VIDELO,

Her Majesty's Greffier.