STATUTORY INSTRUMENTS

2016 No. 994

IMMIGRATION

The Immigration (Jersey) Order 2016

Made - - - - 12th October 2016

Coming into force in accordance with article 1(1)

At the Court at Buckingham Palace, the 12th day of October 2016

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 170(7) of the Immigration and Asylum Act 1999(**1**) and section 76(6) of the Immigration Act 2014(**2**), is pleased, by and with the advice of Her Privy Council, to order as follows:

PROSPECTIVE

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Immigration (Jersey) Order 2016 and comes into force on the seventh day after the day on which it is registered by the Royal Court of Jersey.

(2) In this Order—

"the 1999 Act" means the Immigration and Asylum Act 1999;

"the 2003 Order" means the Immigration and Asylum Act 1999 (Jersey) Order 2003(**3**);

"the 2014 Act" means the Immigration Act 2014; and

"Jersey" means the Bailiwick of Jersey.

(3) For the purposes of construing provisions of the 2014 Act as part of the law of Jersey, a reference to an enactment which extends to Jersey is construed as a reference to that enactment as it has effect in Jersey.

(**1**) 1999 c. 33.
(**2**) 2014 c. 22.
(**3**) S.I. 2003/1252.

Commencement Information

I1 Art. 1 not in force at made date, see **art. 1(1)**

Consequential amendment and saving

2.—(1) In the Schedule to the 2003 Order omit the entry relating to section 5 of the 1999 Act (charges).

(2) Notwithstanding paragraph (1), any Order of the Minister for Home Affairs under section 5 of the 1999 Act having effect when this Order comes into force shall continue to have effect until the Minister for Home Affairs makes an Order under sections 67A, 67B and 67C the 2014 Act as extended to Jersey by this Order.

Commencement Information

I2 Art. 2 not in force at made date, see **art. 1(1)**

Extension of the Immigration Act 2014 to Jersey

3. Sections 68 to 70 of the 2014 Act shall extend to Jersey subject to the modifications specified in the Schedule to this Order.

Commencement Information

I3 Art. 3 not in force at made date, see **art. 1(1)**

Richard Tilbrook
Clerk of the Privy Council

PROSPECTIVE

SCHEDULE Article 3

Modifications of sections 68 to 70 of the Immigration Act 2014 (Fees) as they extend to Jersey

1. Before section 68 insert the following sections 67A, 67B and 67C –

"**67A Fees (the Minister)**

(1) The Minister may by Order provide for fees to be charged in respect of the exercise of any function in connection with immigration or nationality exercised by –

(a) the Lieutenant-Governor;

(b) a Minister (within the meaning of Article 1(1) of the States of Jersey Law 2005);

(c) an immigration officer or any other States' employee within the meaning of the Employment of States of Jersey Employees (Jersey) Law 2005,

other than a function exercised by the Lieutenant-Governor under arrangements made with the Secretary of State under section 43 of the British Nationality Act 1981.

(2) An Order under subsection (1) may not provide for a fee to be charged in respect of the exercise of a function otherwise than in connection with an application or claim, or on request.

(3) An Order under subsection (1) may set fees—

(a) of a fixed amount; or

(b) of an amount calculated by reference to an hourly rate or other factor.

(4) In respect of any fee set by an Order under subsection (1), the Order may—

(a) provide for exceptions;

(b) provide for the reduction, waiver or refund of part or all of a fee (whether by conferring a discretion or otherwise);

(c) make provision about—

(i) the consequences of failure to pay a fee;

(ii) enforcement;

(iii) when a fee may or must be paid.

(5) This section is without prejudice to any other power to charge a fee.

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

(7) In this section and sections 67B and 67C —

"enactment" includes an enactment of the United Kingdom having effect in Jersey;

"function" includes a power or a duty;

"function in connection with immigration or nationality" includes a function in connection with an enactment that relates wholly or partly to immigration or nationality;

"Jersey" means the Bailiwick of Jersey;

"Minister" means Minister for Home Affairs.