

2017 No. 982

PREVENTION AND SUPPRESSION OF TERRORISM

The Counter-Terrorism and Security (Jersey) Order 2017

Made - - - - *11th October 2017*

Coming into force in accordance with article 1(1)

At the Court at Buckingham Palace, the 11th day of October 2017

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 51(3) of the Counter-Terrorism and Security Act 2015^(a) 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 Counter-Terrorism and Security (Jersey) Order 2017 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 2015 Act” means the Counter-Terrorism and Security Act 2015;

“Jersey” means the Bailiwick of Jersey.

(3) For the purposes of construing provisions of the 2015 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.

Extension of the 2015 Act to Jersey

2. The following provisions of the 2015 Act shall extend to Jersey—

- (a) Part 1 (Temporary restrictions on travel) subject to the modifications specified in Schedule 1 to this Order;
- (b) Part 4 (Aviation, shipping and rail) subject to the modifications specified in Schedule 2 to this Order;
- (c) Schedule 1 (Seizure of passports etc from persons suspected of involvement in terrorism) subject to the modifications specified in Schedule 3 to this Order;
- (d) Schedule 2 (Urgent temporary exclusion orders: reference to the court etc) subject to the modifications specified in Schedule 4 to this Order;

(a) 2015 c. 6.

- (e) Schedule 3 (Temporary exclusion orders: proceedings) subject to the modifications specified in Schedule 5 to this Order;
- (f) Schedule 4 (Temporary exclusion orders: appeals against convictions) subject to the modifications specified in Schedule 6 to this Order; and
- (g) Schedule 5 (Aviation, maritime and rail security) subject to the modifications specified in Schedule 7 to this Order.

Richard Tilbrook
Clerk of the Privy Council

SCHEDULE 1

Article 2(a)

Modifications of Part 1 of the Counter-Terrorism and Security Act 2015 as it extends to Jersey

1. For section 1 (Seizure of passports etc from persons suspected of involvement in terrorism) substitute—

“1. Seizure of passports etc from persons suspected of involvement in terrorism

Schedule 1 makes provision for the seizure and temporary retention of travel documents where a person is suspected of intending to leave Jersey in connection with terrorism-related activity.”.

2. In the heading to Chapter 2 (TEMPORARY EXCLUSION FROM THE UNITED KINGDOM) for the “THE UNITED KINGDOM” substitute “JERSEY”.

3. In section 2 (Temporary exclusion orders)—

- (a) for “the United Kingdom” wherever it occurs (except subsections (3) and (5)) substitute “Jersey”;
- (b) in subsections (3) and (5) for “United Kingdom” substitute “British Islands”;
- (c) for “Secretary of State” wherever it occurs substitute “Minister”;
- (d) in subsection (7)(a) for “court” substitute “Royal Court”.

4. In section 3 (Temporary exclusion orders: prior permission of the court)—

- (a) for “Secretary of State” wherever it occurs substitute “Minister”;
- (b) for “court” wherever it occurs (except in subsection (4)) substitute “Royal Court”.

5. In section 4 (Temporary exclusion orders: supplementary provision)—

- (a) for “Secretary of State” wherever it occurs substitute “Minister”;
- (b) in subsection (7) for “the United Kingdom” in both places it occurs substitute “Jersey”;
- (c) in subsection (10) for “United Kingdom” substitute “British Islands”.

6. In section 5 (Permit to return)—

- (a) for “the United Kingdom” wherever it occurs substitute “Jersey”;
- (b) for “Secretary of State” wherever it occurs substitute “Minister”.

7. In section 6 (Issue of permit to return: application by individual)—

- (a) for “Secretary of State” wherever it occurs substitute “Minister”;
- (b) in subsection (2)(a) for “constable” substitute “police officer”;
- (c) in subsection (5) for “the United Kingdom” in both places it occurs substitute “Jersey”.

- 8.** In section 7 (Issue of permit to return: deportation or urgent situation)—
- (a) for “Secretary of State” wherever it occurs substitute “Minister”;
 - (b) in subsection (1) for “the United Kingdom” substitute “Jersey”.
- 9.** In section 8 (Permit to return: supplementary provision)—
- (a) for “Secretary of State” wherever it occurs substitute “Minister”;
 - (b) in subsection (2)(b) and (4) for “the United Kingdom” substitute “Jersey”.
- 10.** In section 9 (Obligations after return to the United Kingdom)—
- (a) in the heading (and in the cross heading before the section) for “the United Kingdom” substitute “Jersey”;
 - (b) in subsections (1) and (4) for “Secretary of State” substitute “Minister”;
 - (c) in subsections (1) and (6) for “the United Kingdom” wherever it occurs substitute “Jersey”;
 - (d) for subsection (2)(a) substitute—
 - “(a) an obligation—
 - (i) to report to a police station at such times and in such manner as the Minister may by notice require, and to comply with any directions given by a police officer in relation to such reporting;
 - (ii) to attend appointments with specified persons or persons of specified descriptions at specified times and places, and to comply with any reasonable directions given by the Minister that relate to matters about which the individual is required to attend an appointment.”;
 - (e) after subsection (2) insert—

“(2A) A notice under this section may provide that a requirement to report to a police station is not to apply if conditions specified in the notice are met.”.
- 11.** In section 10 (Offences)—
- (a) in subsection (1) for “the United Kingdom” substitute “Jersey”;
 - (b) in subsection (4) for “regulations” substitute “an Order”;
 - (c) for subsection (5) substitute—

“(5) An individual guilty of an offence under this section is liable on conviction to imprisonment for a term not exceeding 5 years or to a fine, or to both.”;
 - (d) for subsection (6) substitute—

“(6) Where an individual is convicted by or before a court of an offence under this section, it is not open to that court to make in respect of the offence an order for a conditional discharge.”;
 - (e) omit subsection (8).
- 12.** In section 11 (Review of decisions relating to temporary exclusion orders)—
- (a) in subsection (1) for “the United Kingdom” substitute “Jersey”;
 - (b) for “court” wherever it occurs substitute “Royal Court”;
 - (c) for “Secretary of State” wherever it occurs substitute “Minister”;
 - (d) for subsection (9) substitute—

“(9) The power under this section to quash a temporary exclusion order, permitted obligation or notice under section 9 includes power to stay the quashing for a specified time, or pending an appeal or further appeal against the decision to quash.”.
- 13.** In section 13 (Regulations: giving of notices, legislation to passports)—
- (a) in the heading for “Regulations” substitute “Orders”;

- (b) in subsection (1) for “Secretary of State may by regulations” substitute “Minister may by Order”;
- (c) in subsection (2) for “regulations” substitute “Order”;
- (d) in subsection (3) for “Secretary of State may make regulations” substitute “Minister may make Orders”;
- (e) for subsection (4) substitute—
 - “(4) The Subordinate Legislation (Jersey) Law 1960(a) shall apply to Orders under this section.”;
- (f) omit subsection (5).

14. In section 14 (Chapter 2: interpretation)—

- (a) in subsection (2)—
 - (i) in the definition of “act of terrorism” for “Terrorism Act 2000 (see section 1(5) of that Act)” substitute “Terrorism (Jersey) Law 2002(b) (see Article 1 of that Law)”;
 - (ii) omit the definition of “court”;
 - (iii) after that definition insert—
 - ““Jersey” means the Bailiwick of Jersey;
 - “Minister” means the Minister for Home Affairs;”;
 - (iv) after the definition of “permit to return” insert—
 - ““police officer” has the same meaning as in Part 1 of the Schedule to the Interpretation (Jersey) Law 1954(c);”;
 - (v) in the definition of “terrorism” for “Terrorism Act 2000 (see section 1(1) to (4) of that Act)” substitute “Terrorism (Jersey) Law 2002 (see Article 1 of that Law)”;
- (b) in subsection (6) for “the United Kingdom” wherever it occurs substitute “Jersey”.

15. Omit section 15 (Chapter 2: consequential amendments).

SCHEDULE 2

Article 2(b)

Modifications of Part 4 of the Counter-Terrorism and Security Act 2015 as it extends to Jersey

1. For the heading to Part 4 (AVIATION, SHIPPING AND RAIL) substitute “AVIATION AND SHIPPING”.

2. In section 22 (Authority-to-carry schemes)—

- (a) for subsection (1) substitute—
 - “(1) The Minister may by Order make one or more schemes requiring a person (a “carrier”) to seek authority from the Minister to carry persons on aircraft or ships which are—
 - (a) arriving, or expected to arrive, in Jersey, or
 - (b) leaving, or expected to leave, Jersey.

A scheme made under this section is called an “authority-to-carry scheme”.

- (b) in subsection (4) for “The Secretary of State” substitute “An Order under subsection (1)”;
- (c) in subsection (5) for “Secretary of State” (in both places) substitute “Minister”;

(a) Revised Edition: Chapter 15.720.
 (b) Revised Edition: Chapter 17.860.
 (c) Revised Edition: Chapter 15.360.

- (d) in subsection (7) for “the United Kingdom” substitute “Jersey”;
 - (e) for subsection (8) substitute—
 - “(8) The Subordinate Legislation (Jersey) Law 1960 shall apply to Orders under this section.”;
 - (f) omit subsections (9) and (10).
- 3. Omit section 23 (Authority-to-carry schemes: entry into force etc).**
- 4. In section 24 (Penalty for breach of authority-to-carry scheme)—**
- (a) in subsection (1) for “Secretary of State may make regulations” substitute “Minister may make provision by Order”;
 - (b) in subsection (2) for “Regulations” substitute “An Order”;
 - (c) in subsection (3)—
 - (i) for “Regulations” substitute “An Order”;
 - (ii) for “regulations” substitute “Order”;
 - (d) in subsection (4) for “regulations” (in both places) substitute “Order”;
 - (e) in subsection (5)—
 - (i) for “regulations must” substitute “Order must”;
 - (ii) for “regulations made” substitute “an Order made”;
 - (f) for subsections (6) and (7) substitute—
 - “(6) 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.
 - (7) The Subordinate Legislation (Jersey) Law 1960 shall apply to Orders under this section.”.
- 5. In section 25 (Aviation, maritime and rail security)—**
- (a) for the heading substitute “Aviation and maritime security”;
 - (b) in subsection (1) for “aviation, maritime and rail” substitute “aviation and maritime”;
 - (c) in subsection (3) for paragraphs (a), (b) and (c) substitute—
 - “(a) the Aviation Security Act 1982, and
 - (b) the Aviation and Maritime Security Act 1990.”.

SCHEDULE 3

Article 2(c)

Modifications of Schedule 1 to the Counter-Terrorism and Security Act 2015 as it extends to Jersey

- 1. In paragraph 1 (Interpretation)—**
- (a) after sub-paragraph (1) insert—
 - “(1A) “Jersey” means the Bailiwick of Jersey.
 - (1B) “Minister” means the Minister for Home Affairs.”;
 - (b) in sub-paragraph (2) after “Immigration Act 1971” insert “, as extended to Jersey by the Immigration (Jersey) Order 1993(a)”;

- (c) in sub-paragraph (3) for all the words after “designated as” substitute “an officer of the Impôts within the meaning of Article 4 of the Customs and Excise (Jersey) Law 1999(a).”;
- (d) after sub-paragraph (3) insert—
 - “(3A) “Police officer” has the same meaning as in Part 1 of the Schedule to the Interpretation (Jersey) Law 1954.”;
- (e) in sub-paragraph (4) for “Secretary of State” substitute “Minister”;
- (f) in sub-paragraph (5) for “superintendent” substitute “chief inspector”;
- (g) for sub-paragraph (6)(b) substitute—
 - “(b) a ticket or other document that permits a person to make a journey by any means from Jersey to a place outside Great Britain or the Bailiwick of Guernsey or the Isle of Man.”;
- (h) in sub-paragraph (7)—
 - (i) in paragraph (a) after “Immigration Act 1971” insert “, as extended to Jersey by the Immigration (Jersey) Order 1993”;
 - (ii) in paragraph (b) for “United Kingdom” substitute “British Islands”;
- (i) in sub-paragraph (8)—
 - (i) omit paragraphs (c), (d) and (e);
 - (ii) in paragraph (f) for “Great Britain or Northern Ireland” substitute “Jersey”;
- (j) omit sub-paragraph (9);
- (k) for sub-paragraphs (11) and (12) substitute—
 - “(11) “Terrorism” and “terrorist” have the same meaning as in the Terrorism (Jersey) Law 2002 (see Articles 2 and 36 of that Law).
 - (12) “Judicial authority” means the Juge d’Instruction appointed in pursuance of the Loi (1864) concernant la charge de Juge d’Instruction^(b) and includes any person exercising the functions of the Juge d’Instruction.”;
- (l) omit sub-paragraphs (13) and (14);
- (m) after sub-paragraph (15) insert—
 - “(16) The standard scale” means the scale set out in the Schedule to the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993(c).”.

2. In paragraph 2 (Powers of search and seizure etc)—

- (a) in sub-paragraph (1)—
 - (i) for “Great Britain” wherever it occurs substitute “Jersey”;
 - (ii) for “constable” substitute “police officer”;
 - (iii) for “United Kingdom” (in paragraph (a)) substitute “British Islands”;
- (b) omit sub-paragraph (2);
- (c) in sub-paragraphs (3) and (4) for “constable” substitute “police officer”;
- (d) in sub-paragraph (5)—
 - (i) for “constable” wherever it occurs substitute “police officer”;
 - (ii) for “or officer” (in paragraphs (b) and (d)) substitute “or the qualified officer”;
- (e) in sub-paragraph (7)—
 - (i) for “constable” substitute “police officer”;

(a) Revised Edition: Chapter 24.660.

(b) Revised Edition: Chapter 07.525.

(c) Revised Edition: Chapter 08.360.

- (ii) in paragraph (c) for “constable’s or officer’s” substitute “police officer’s or qualified officer’s”;
 - (f) for sub-paragraph (8) substitute—
 - “(8) A police officer or qualified officer exercising a power in sub-paragraph (5)(a) or (b) must tell the person that—
 - (a) the person is suspected of intending to leave Jersey for the purpose of involvement in terrorism-related activity outside the British Islands, and
 - (b) the police officer or the qualified officer is therefore entitled under this Schedule to exercise the power.”;
 - (g) in sub-paragraph (9)—
 - (i) for “constable” in both places substitute “police officer”;
 - (ii) for “The officer or official” substitute “The immigration officer or customs official”.
- 3.** In paragraph 3 (Travel documents in possession of immigration officers or customs officials) in sub-paragraph (1) for “constable” wherever it occurs substitute “police officer”.
- 4.** In paragraph 4 (Authorisation by senior police officer for retention of travel document)—
- (a) for “constable” wherever it occurs substitute “police officer”;
 - (b) in sub-paragraph (3)—
 - (i) for paragraph (a) substitute—
 - “(a) the person is suspected of intending to leave Jersey for the purpose of involvement in terrorism-related activity outside the British Islands, and”;
 - (ii) in paragraph (b) for “or officer” substitute “or qualified officer”;
 - (c) in subparagraph (4) for paragraph (a) substitute—
 - “(a) the person is suspected of intending to leave Jersey for the purpose of involvement in terrorism-related activity outside the British Islands, and”.
- 5.** In paragraph 5 (Retention or return of documents seized)—
- (a) in sub-paragraph (1)—
 - (i) in paragraph (a) for “the Secretary of State considers” substitute “consideration is given to”;
 - (ii) in paragraph (c) for “Secretary of State” substitute “Minister”;
 - (b) in sub-paragraphs (4) and (5) for “constable” substitute “police officer”;
 - (c) in sub-paragraph (5)—
 - (i) for “Great Britain or (as the case may be) the United Kingdom” substitute “Jersey”;
 - (ii) for “outside the United Kingdom” substitute “outside the British Islands”.
- 6.** In paragraph 6 (Review of retention of travel documents)—
- (a) in sub-paragraph (1)(b) for “constable” substitute “police officer”;
 - (b) in sub-paragraph (2)(a) omit “chief”;
 - (c) in sub-paragraphs (3)(c) and (4) for “relevant chief constable” substitute “Chief Officer”;
 - (d) in sub-paragraph (5) for “Secretary of State” substitute “Minister”;
 - (e) in sub-paragraph (6) for the definition of “relevant chief constable” substitute—
 - “Chief Officer means the Chief Officer of the States of Jersey Police Force.”.
- 7.** For paragraph 7 (Detention of document for criminal proceedings etc) substitute—
- “Detention of document for criminal proceedings etc*

7(1) A requirement under paragraph 4 or 5 to return a travel document in the possession of a police officer or qualified officer does not apply while either officer has power to detain it under sub-paragraph (2).

(2) Either officer may detain the document—

- (a) while he or she believes that it may be needed for use as evidence in criminal proceedings, or
- (b) while he or she believes that it may be needed in connection with a decision by the Minister whether to make a deportation order under the Immigration Act 1971.”.

8. In paragraph 10 (Extension of 14-day period by judicial authority) in sub-paragraph (2)—

- (a) in paragraph (a) for “section 40(1)(a) of the Terrorism Act 2000” substitute “Article 36(a) of the Terrorism (Jersey) Law 2002”;
- (b) in paragraph (c) for “section 23 or 23A of that Act” substitute “Article 27 of (and Schedule 3 to) that Law”.

9. In paragraph 14 (Persons unable to leave the United Kingdom)—

- (a) for “the United Kingdom” wherever it occurs (including the heading) substitute “Jersey”;
- (b) in sub-paragraph (2) for “Secretary of State” substitute “Minister”.

10. In paragraph 15 (Offences) for sub-paragraph (3) substitute—

“(3) A person guilty of an offence under this paragraph is liable to imprisonment for a term not exceeding 6 months, or to a fine not exceeding level 3 on the standard scale, or to both.”.

11. In paragraph 16 (Offences) for “constable” substitute “police officer”.

12. In paragraph 17 (Accredited immigration officers and customs officials)—

- (a) for “Secretary of State” in sub-paragraph (1) substitute “Minister”;
- (b) for “constable” in sub-paragraphs (2) and (5) substitute “police officer”.

13. In paragraph 18 (Code of practice)—

- (a) in sub-paragraph (1) for “Secretary of State” substitute “Minister”;
- (b) in sub-paragraph (2)(c) for “constables” substitute “police officers”;
- (c) in sub-paragraphs (3) and (4) for “constable” substitute “police officer”.

14. Omit paragraph 19 (Publication of code in draft etc).

15. In paragraph 20 (Revisions to code of practice)—

- (a) in sub-paragraph (1) for “Secretary of State” substitute “Minister”;
- (b) omit sub-paragraph (2).

SCHEDULE 4

Article 2(d)

Modifications of Schedule 2 to the Counter-Terrorism and Security Act 2015 as it extends to Jersey

1. In paragraph 1 (Application) for “Secretary of State” substitute “Minister”.

2. In paragraph 2 (Statement of urgency)—

- (a) for “Secretary of State” substitute “Minister”;
- (b) for “court” substitute “Royal Court”.

3. In paragraph 3 (Reference to court)—

- (a) for “court” in the heading and wherever it occurs in sub-paragraphs (1), (2) and (4) substitute “Royal Court”;
 - (b) in sub-paragraph (1) for “Secretary of State” substitute “Minister”;
 - (c) in sub-paragraph (3) for “court’s” substitute “Royal Court’s”.
- 4.** In paragraph 4 (Decision by court)—
- (a) for “court” wherever it occurs (including the heading) substitute “Royal Court”;
 - (b) “Secretary of State” wherever it occurs substitute “Minister”.
- 5.** In paragraph 5 (Procedures on reference)—
- (a) for “court” wherever it occurs substitute “Royal Court”;
 - (b) in sub-paragraph (2) for “the court’s” substitute “its”.
- 6.** In paragraph 6 (Interpretation) in sub-paragraph (1) for “court” substitute “Royal Court”.

SCHEDULE 5

Article 2(e)

Modifications of Schedule 3 to the Counter-Terrorism and Security Act 2015 as it extends to Jersey

- 1.** In paragraph 1 (Introductory) for the definitions of “appeal proceedings”, “the relevant court” and “rules of court” substitute—
- ““appeal proceedings” means proceedings in the Court of Appeal on an appeal relating to TEO proceedings;
 - “the relevant court” means—
 - (a) in relation to TEO proceedings, the Royal Court;
 - (b) in relation to appeal proceedings, the Court of Appeal; - “rules of court” means rules for regulating the practice and procedure to be followed in the Royal Court or the Court of Appeal;”.
- 2.** In paragraph 2 (Rules of court: general provision)—
- (a) in sub-paragraph (1) for “A person making rules of court relating to TEO proceedings or appeal proceedings must have regard” substitute “Regard must be had, in making rules of court relating to TEO proceedings or appeal proceedings;”;
 - (b) in sub-paragraph (2)(f) for “as a special advocate” substitute “as special counsel”;
 - (c) in sub-paragraph (3)—
 - (i) in paragraph (a) for “Secretary of State” substitute “Minister”;
 - (ii) in paragraph (b) for “as a special advocate” substitute “as special counsel”.
- 3.** In paragraph 3 (Rules of court: disclosure) for “Secretary of State” and “Secretary of State’s” wherever they occur substitute “Minister” and “Minister’s” respectively.
- 4.** In paragraph 4 (Rules of court: disclosure)—
- (a) for “Secretary of State” and “Secretary of State’s” wherever they occur substitute “Minister” and “Minister’s” respectively;
 - (b) in sub-paragraphs (1)(a) and (4)(b) for “as a special advocate” substitute “as special counsel”.
- 5.** In paragraph 5 (Article 6 rights) for sub-paragraph (2) substitute—

“(2) The “Human Rights Convention” means the Convention within the meaning of the Human Rights (Jersey) Law 2000(a) (see Article 1(1) of that Law).”.

6. In paragraph 6 (Rules of court: anonymity)—

- (a) in sub-paragraphs (1) and (4) for “Secretary of State” substitute “Minister”;
- (b) in sub-paragraph (1) for “the court” wherever it occurs substitute “the Royal Court”;
- (c) in sub-paragraph (2) omit “or the Inner House of the Court of Session”.

7. Omit paragraph 7 (Initial exercise of rule-making powers by Lord Chancellor).

8. In paragraph 8 (Use of advisers)—

- (a) in sub-paragraph (1) for paragraph (a) substitute—
 - “(a) call in aid one or more advisers able to be called in aid by the equivalent court in England and Wales, and”;
- (b) omit sub-paragraph (2);
- (c) in sub-paragraph (3) after “the use of” insert “, and payment of remuneration, expenses and allowances to,”;
- (d) omit sub-paragraph (4).

9. Omit paragraph 9 (Nomination of a judge of the Court of Session).

10. In paragraph 10 (Appointment of special advocate)—

- (a) in the heading for “special advocate” substitute “special counsel”;
- (b) in sub-paragraph (1) for “appropriate law officer” substitute “Attorney General”;
- (c) in sub-paragraph (2) for “as a “special advocate”” substitute “as “special counsel””;
- (d) omit sub-paragraph (3);
- (e) in sub-paragraph (4) for “as a special advocate” substitute “as special counsel”;
- (f) for sub-paragraph (5) substitute—
 - “(5) A person may be appointed as special counsel only if—
 - (a) the person is a member of the panel referred to in sub-paragraph (6); or
 - (b) the person is eligible to be appointed as a special advocate in equivalent TEO proceedings or appeal proceedings in any part of the United Kingdom.
- (6) The Attorney General shall appoint a panel of persons, such panel consisting of not less than 10 advocates of the Royal Court, for the purposes of this paragraph.
- (7) A person appointed under sub-paragraph (6) may be removed from the panel at any time by the Attorney General whether or not at the person’s request.”.

11. In paragraph 11 (Relationship with other powers to make rules of court and other proceedings) omit sub-paragraph (b).

SCHEDULE 6

Article 2(f)

Modifications of Schedule 4 to the Counter-Terrorism and Security Act 2015 as it extends to Jersey

1. For paragraph 2 (Court in which appeal to be made) substitute—

- “(2) An appeal under this Schedule is to be made—
- (a) in the case of a conviction before the Royal Court, to the Court of Appeal;

(a) Revised Edition: Chapter 15.350.

(b) in the case of a conviction before the Magistrate’s Court, to the Royal Court.”.

2. In paragraph 4 (The appeal)—

(a) in sub-paragraph (2)—

(i) for “on indictment” substitute “before the Royal Court”;

(ii) for paragraph (c) substitute—

“(c) is to be treated as an appeal under Article 24 of the Court of Appeal (Jersey) Law 1961(a), but does not require leave.”;

(b) omit sub-paragraphs (3) and (4);

(c) in sub-paragraph (5)—

(i) for “to the Crown Court or to the county court in Northern Ireland against a summary conviction” substitute “to the Royal Court against a conviction before the Magistrate’s Court”;

(ii) in paragraph (b) for “section 111 of the Magistrates’ Courts Act 1980 or Article 146 of the Magistrates’ Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))” substitute “under Article 21 of the Magistrate’s Court (Miscellaneous Provisions) (Jersey) Law 1949(b)”;

(iii) in paragraph (d) for “under section 108(1)(b) of that Act or, in Northern Ireland, under Article 140(1)(b) of that Order” substitute “under Article 17(1)(b) of that Law”.

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”;

(a) Revised Edition: Chapter 07.245.

(b) Revised Edition: Chapter 07.595.

(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—

“**27BB** (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.

(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—
 - (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).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to Jersey, with modifications, Part 1 and Part 4 of the Counter-Terrorism and Security Act 2015 (“the Act”) together with provisions of Schedules 1 to 5 to the Act dependent on those Parts.

Part 1 of the Act contains powers to place temporary restrictions on travel. The powers relate to the seizure of travel documents and the imposition of temporary exclusion orders.

Part 4 of the Act enables authority-to-carry schemes to be introduced and amends legislation in relation to the provision of passenger, crew and service information.

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