

No. 29—1941.

Immigration (Restriction)

AN ORDINANCE to amend the Immigration (Restriction) Ordinance, Ch. 20. No. 2.

Commencement.

[31st December, 1941.]

Short title.
Construction.
(Ch. 20. No. 2.)

1. This Ordinance may be cited as the Immigration (Restriction) (Amendment) Ordinance, 1941, and shall be read as one with the Immigration (Restriction) Ordinance, hereinafter referred to as the Principal Ordinance.

Section 8 of
the Principal
Ordinance
amended.

2. (1) The following subsection shall be substituted for subsection (5) of section 8 of the Principal Ordinance:—

(5) Any person who contravenes, or fails or refuses to comply with, any of the provisions of the preceding subsections of this section, when entering the Colony, shall be deemed to be a prohibited immigrant and may be dealt with as such.

(2) This section shall be deemed to have come into force on the 2nd of June, 1936.

Section 21 of
the Principal
Ordinance
amended.

3. Subsection (3) of section 21 of the Principal Ordinance is hereby amended by inserting the words "or constable" after the words "immigration officer" in the two places where they occur.

Section 23 of
the Principal
Ordinance
amended.

4. (1) The following subsection shall be substituted for subsection (1) of section 23 of the Principal Ordinance:—

(1) If any person is held to be a prohibited immigrant, then, subject to the provisions of this Ordinance and the terms of any permit granted thereunder, any Magistrate may, on the application of an immigration officer or of any person deputed in writing by the Chief Immigration Officer for the purpose of making such application, order the immigrant to be removed from

the Colony and in the meantime to be detained in custody: Provided that no application for such order shall be entertained in the case of a British subject (not being a person who entered the Colony in contravention of subsection (1) of section 8 or who, on entering the Colony, contravened or failed to comply with subsections (2) or (3) of section 8) unless the application is made—

- (a) if he entered the Colony in accordance with a permit granted under section 10, within six months after the decision of the immigration officer that he is a prohibited immigrant ;
- (b) if he entered the Colony in accordance with a permit granted under section 11, within six months after the date on which such immigrant should have presented himself in person to the immigration officer for examination ;
- (c) if he entered the Colony in accordance with a permit granted under sections 12 or 13, within six months after the expiry of such permit ;
- (d) in any case in which an appeal has been made to a Magistrate's Court or the Full Court, against a decision that he is a prohibited immigrant, within six months after the determination of the appeal ;
- (e) in other cases, within six months of his arrival in the Colony.

(2) It shall be deemed always to have been the law that the proviso to subsection (1) of section 23 of the Principal Ordinance does not apply to a person who entered the Colony in contravention of subsection (1) of section 8 of the Principal Ordinance or who, on entering the Colony, contravened or failed to comply with the provisions of subsections (2) or (3) of section 8 of the Principal Ordinance.

Section 26 of
the Principal
Ordinance
amended.

5. Subsection (4) of section 26 of the Principal Ordinance is hereby repealed and the following subsections shall be added immediately after subsection (3) of the said section—

(4) Any person who contravenes, or fails or refuses to comply with, any of the provisions of subsections (1) to (4) of section 8 shall be guilty of an offence.

(5) Any person guilty of an offence under this section shall, on summary conviction, be liable to a fine of two hundred and forty dollars or to imprisonment for six months, or to both such fine and imprisonment, and, in any case in which the offender has contravened or failed to comply with the provisions of subsections (1), (2) or (3) of section 8, proceedings may, notwithstanding anything to the contrary in the Summary Courts Ordinance, be brought at any time.

Ch. 3. No. 4.