

1972 No. 1720

IMMIGRATION

The Immigration (Isle of Man) Order 1972*Made* - - - 14th November 1972*Coming into Operation* 14th November 1972

At the Court at Buckingham Palace, the 14th day of November 1972

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 36 of the Immigration Act 1971(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Immigration (Isle of Man) Order 1972 and shall come into operation forthwith.

2. The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. The provisions of Parts I, III and IV of the Immigration Act 1971 (including the Schedules dependent thereon) shall extend to the Isle of Man with such exceptions, adaptations and modifications as are specified in the Schedule hereto.

W. G. Agnew.

SCHEDULE

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS

References to the Act and other enactments

1.—(1) Subject as hereinafter provided and save where the context otherwise requires, any reference to the Act or any provision thereof shall be construed as a reference thereto as extended to the Isle of Man.

(2) Subject as hereinafter provided, any reference to any other enactment shall be construed as a reference thereto as it has effect in the Isle of Man.

References to the Secretary of State

2. Subject as hereinafter provided, for any reference to the Secretary of State there shall be substituted a reference to the Lieutenant-Governor.

(a) 1971 c. 77.

(b) 1889 c. 63.

References to the United Kingdom

3.—(1) Subject as hereinafter provided, for any reference to the United Kingdom there shall be substituted a reference to the Isle of Man.

(2) Nothing in this paragraph shall affect any reference to the United Kingdom and Islands, to the United Kingdom or Islands or to a citizen of the United Kingdom and Colonies or any cognate reference.

References to Parliament

4. Subject as hereinafter provided, for any reference to Parliament, to either House of Parliament or to a House of Parliament there shall be substituted a reference to Tynwald.

References to Statutory Instruments

5. Any requirement that an order or regulations shall be made by statutory instrument shall be omitted.

Section 1

6. In section 1(3) for the words “any of the Islands (that is to say, the Channel Islands and Isle of Man)” there shall be substituted the words “the United Kingdom, any of the Channel Islands”.

Section 2

7. Nothing in paragraph 3 of this Schedule shall affect any reference in section 2(3) or (4) to the United Kingdom.

Section 3

8.—(1) In section 3(2) for the second paragraph thereof there shall be substituted the following provision:—

“If a statement laid before Tynwald under this subsection is disapproved by resolution passed at the sitting before which it is so laid or at the next following sitting of Tynwald then the Lieutenant-Governor shall make changes or further changes in the rules as appear to him to be required in the circumstances and the statement of those changes shall be laid before Tynwald at the sitting next following that at which the said resolution was passed.”.

(2) In section 3(7) the words “Any Order in Council” to the end shall be omitted.

Section 6

9.—(1) The proviso to section 6(1) shall be omitted.

(2) In section 6(2) for the words “adjournment conferred by section 14(3) of the Magistrates’ Courts Act 1952(a), section 26 of the Criminal Justice (Scotland) Act 1949(b) or any corresponding enactment for the time being in force in Northern Ireland” there shall be substituted the words “a court to adjourn”.

(3) In section 6(5) the words “(a) except in Scotland,” and the words from “and (b) in Scotland,” to the end shall be omitted.

(4) In section 6(6) the words from “or, in Scotland” to the end shall be omitted.

(5) Section 6(7) shall be omitted.

(a) 1952 c. 55.

(b) 1949 c. 94.

Section 7

10. In section 7(4) for the words “section 67 of the Criminal Justice Act 1967(a) (or, before that section operated, section 17(2) of the Criminal Justice Administration Act 1962(b))” there shall be substituted the words “section 21 of the Criminal Justice Act 1963 (an Act of Tynwald)”.

Section 8

11.—(1) In section 8(3) after the words “otherwise entitled” there shall be inserted the words “within the United Kingdom” and nothing in paragraph 1(2) of this Schedule shall affect the reference therein to the Diplomatic Privileges Act 1964(c).

(2) Nothing in paragraph 1(2) of this Schedule shall affect the reference in section 8(4) to the International Headquarters and Defence Organisations Act 1964(d).

(3) Nothing in paragraph 3 of this Schedule shall affect the reference in section 8(4)(c) to the United Kingdom.

(4) In section 8(5) for the words “any of the Islands” there shall be substituted the words “the United Kingdom or of any of the Channel Islands”.

Section 9

12.—(1) In section 9(1) the words “Subject to subsection (5) below,” shall be omitted.

(2) In section 9(1) and (2) for the words “any of the Islands”, in both places where they occur, there shall be substituted the words “the United Kingdom or any of the Channel Islands”.

(3) Section 9(5) shall be omitted.

Section 10

13. Section 10 shall be omitted.

Section 25

14. In section 25(1) and (6) for the word “indictment”, in both places where it occurs, there shall be substituted the word “information”.

Section 28

15.—(1) For the provisions of section 28(1) there shall be substituted the following provisions:—

“28.—(1) Where the offence is one to which, under section 24, 25 or 26 above, an extended time limit for prosecutions is to apply, then a complaint relating to the offence may be tried by a court of summary jurisdiction if it is made within six months after the commission of the offence, or if it is made within three years after the commission of the offence and not more than two months after the date certified by the chief constable to be the date on which evidence sufficient to justify proceedings came to the notice of an officer of the police force.”.

(2) Section 28(2) shall be omitted.

Section 29

16. In section 29(1) for the word “Treasury” there shall be substituted the words “Finance Board”.

(a) 1967 c. 80.
(c) 1964 c. 81.

(b) 1962 c. 15.
(d) 1964 c. 5.

Section 30

17. Section 30 shall be omitted.

Section 31

18.—(1) In section 31 paragraph (c) shall be omitted.

(2) In section 31(d) the words “23 or” shall be omitted.

Section 32

19.—(1) In section 32(3) and (4) the words “or proceedings under Part II of this Act” shall be omitted.

Section 33

20.—(1) Nothing in paragraph 1 or 3 of this Schedule shall affect the definition in section 33(1) of the expressions “immigration laws”, “the Islands” and “the United Kingdom and Islands”.

(2) In section 33(1)—

(a) in the definition “entry clearance” the words “visa, entry certificate or other” shall be omitted; and

(b) for the definition of the expression “settled” there shall be substituted the following definition:—

“settled” shall be construed in accordance with section 2(3)(d) above but, where used in relation to the Isle of Man only, as if for any reference in section 2(3)(d) or in section 8(5) to the United Kingdom and Islands there were substituted a reference to the Isle of Man; and

(c) after the definition of the expression “certificate of patriality” there shall be inserted the following definition:—

“constable” means any officer or member of the Isle of Man Constabulary, and “chief constable” shall be construed accordingly; and

(d) after the definition of “legally adopted” there shall be inserted the following definition:—

“the Lieutenant-Governor” means the Lieutenant-Governor of the Isle of Man and includes a deputy or acting Governor or Lieutenant-Governor; and

(3) Section 33(4) shall be omitted.

Section 34

21.—(1) In section 34(2) and (3) for both references to the Aliens Restriction Act 1914(a) there shall be substituted references to the Aliens Restriction Act 1948 (an Act of Tynwald) and in section 34(3) for the reference to an Order in Council under the said Act of 1914 there shall be substituted a reference to regulations under the said Act of 1948 or an order under such regulations.

(2) Section 34(4)(c) shall be omitted.

Section 35

22. For section 35 there shall be substituted the following provisions:—

“35.—(1) Subject to the provisions of subsection (2) of this section, this Act shall come into force on 1st January 1973, and references to the coming into force of this Act shall be construed as references to the beginning of that day.

(2) For the purposes of making any instrument expressed to come into operation on or after 1st January 1973, this Act shall come into force forthwith.”

Section 36

23. Section 36 shall be omitted.

Section 37

24. Section 37(2) shall be omitted.

Schedule 1

25.—(1) Nothing in paragraphs 2 and 3 of this Schedule shall affect Schedule 1 or the Appendices thereto without prejudice, however, to the operation of paragraph 4 of Schedule 1.

(2) Paragraph 3(2) of Schedule 1 shall be omitted.

(3) In paragraph 3(3) of Schedule 1 the words “and section 18 of the Immigration Appeals Act 1969” shall be omitted.

Schedule 2

26.—(1) For paragraph 1(2) of Schedule 2 there shall be substituted the following provision:—

“(2) Medical inspectors for the purposes of this Act may be appointed by the Isle of Man Local Government Board in pursuance of arrangements made between that Board and the Lieutenant-Governor, and shall be fully qualified medical practitioners.”.

(2) In paragraph 1(3) of Schedule 2 for the words from “by the Secretary of State”, where those words occur for the second time, to the end there shall be substituted the words “by the Isle of Man Local Government Board in pursuance of arrangements made between that Board and the Lieutenant-Governor”.

(3) In paragraph 4(4) of Schedule 2 the words “on an appeal under this Act or” shall be omitted.

(4) At the end of paragraph 7 of Schedule 2 there shall be added the following provision:—

“(2) The references in this paragraph to a medical officer of health include references to a fully qualified medical practitioner appointed for the purposes of this paragraph by the Isle of Man Local Government Board.”.

(5) In paragraph 17(2) of Schedule 2—

(a) sub-paragraph (b), and

(b) the words “acting for the police area in which the premises are situated, or in Northern Ireland any constable”

shall be omitted.

(6) In paragraph 19(3) of Schedule 2 the words from “or if he is” to “such a refusal),” shall be omitted.

(7) For paragraph 19(4) of Schedule 2 there shall be substituted the following provision:—

“(4) The expenses to which sub-paragraph (1) above applies include expenses in conveying the person in question to and from the place where he is detained or accommodated.”.

(8) For paragraph 20(3) of Schedule 2 there shall be substituted the following provision:—

“(3) The expenses to which sub-paragraph (1) above applies include expenses in conveying the person in question to and from the place where he is detained or accommodated.”.

- (9) Paragraphs 22, 23, 24 and 25 of Schedule 2 shall be omitted.
27. Part II of Schedule 2 shall be omitted.

Schedule 3

- 28.—(1) In paragraph 2 of Schedule 3—
(a) sub-paragraph (2) shall be omitted;
(b) in sub-paragraphs (3), (4) and (5) references to sub-paragraph (2) of paragraph 2 shall be omitted.
(2) Paragraph 3 of Schedule 3 shall be omitted.

Schedule 4

29.—(1) For the heading to Schedule 4 there shall be substituted the following heading:—

“INTEGRATION WITH ISLE OF MAN LAW OF IMMIGRATION LAWS
OF THE UNITED KINGDOM AND OF THE CHANNEL ISLANDS”.

(2) In Schedule 4 for the words “any of the Islands”, wherever they occur, there shall be substituted the words “the United Kingdom or any of the Channel Islands” and any reference to an island shall be construed as including a reference to the United Kingdom.

(3) In paragraph 1(3) of Schedule 4 the words “and subject to the like appeal (if any)” shall be omitted.

(4) Paragraph 1(5) of Schedule 4 shall be omitted.

Schedule 6

30. Without prejudice to paragraph 1(2) of this Schedule, the enactments mentioned in Schedule 6 shall be limited to those which have effect in the Isle of Man and, accordingly, there shall be omitted from Schedule 6 any reference to an Act other than the British Nationality Act 1948(a), the British Nationality Act 1958(b), the Commonwealth Immigrants Act 1962(c), the British Nationality Act 1965(d) and the Commonwealth Immigrants Act 1968(e).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends Parts I, III and IV of the Immigration Act 1971 to the Isle of Man with exceptions, adaptations and modifications.

(a) 1948 c. 56.
(c) 1962 c. 21.
(e) 1968 c. 9.

(b) 1958 c. 10.
(d) 1965 c. 34.

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