

**1983 No. 1898****IMMIGRATION****CRIMINAL LAW, ENGLAND AND WALES****The Criminal Justice Act 1982 (Isle of Man)  
Order 1983***Made* - - - - - 21st December 1983*Coming into Operation* 21st January 1984

At the Court at Buckingham Palace, the 21st day of December 1983

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 36 of the Immigration Act 1971(a) and section 81(11) of the Criminal Justice Act 1982(b), 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 Criminal Justice Act 1982 (Isle of Man) Order 1983 and shall come into operation on 21st January 1984.

2.—(1) The provisions specified in paragraph (2) below shall extend to the Isle of Man, subject to the modifications specified in Schedule 1 to this Order.

(2) The provisions referred to in paragraph (1) above are—

- (a) section 32(1) of the Criminal Law Act 1977(c);
- (b) sections 32 and 143 of the Magistrates' Courts Act 1980(d); and
- (c) in the Criminal Justice Act 1982—
  - (i) sections 35 to 38;
  - (ii) section 39 (including Schedules 2 and 3);
  - (iii) section 40;
  - (iv) sections 46 and 47;
  - (v) section 50;

(a) 1971 c. 77.

(c) 1977 c. 45.

(d) 1980 c. 43; section 32 is amended by the Schedule to the Criminal Attempts Act 1981 (c. 47) and section 143 is amended by section 48 of the Criminal Justice Act 1982.

(b) 1982 c. 48.

- (vi) section 64 (including Schedule 10);
- (vii) section 74(1); and
- (viii) section 75.

3. The Immigration (Isle of Man) Order 1972<sup>(a)</sup> shall be varied in accordance with the provisions of Schedule 2 to this Order.

*N. E. Leigh,*  
Clerk of the Privy Council.

## Article 2

## SCHEDULE 1

## MODIFICATIONS TO PROVISIONS EXTENDED TO THE ISLE OF MAN

1. In section 32(1) of the Criminal Law Act 1977, for all the words from the beginning to “either way)” there shall be substituted the words “Where a person convicted on information under a provision contained in an Act of Parliament and extending to the Isle of Man (whether or not the offence is also triable summarily)”.
2. In section 32 of the Magistrates’ Courts Act 1980—
  - (a) for subsection (1) there shall be substituted the following subsection:—

“(1) On summary conviction of any offence under section 20 of the Telegraph Act 1868 (disclosing or intercepting messages) or section 3 of the Submarine Telegraph Act 1885 (damaging submarine cables) a person shall be liable to imprisonment for a term not exceeding 6 months or to a fine not exceeding the prescribed sum or both.”;
  - (b) in subsection (2), for the words “listed in Schedule 1 to this Act, being” there shall be substituted the words “an offence mentioned in subsection (1) above but which is”;
  - (c) subsections (5) and (8) shall be omitted;
  - (d) in subsection (9), after the words “In this section” there shall be inserted the following definition:—

““enactment” means an enactment contained in an Act of Parliament and extending to the Isle of Man”; and
  - (e) in subsection (9), after the definition of “fine” there shall be inserted the following definition:—

““offence triable either way” means an offence under an enactment, being an offence triable either on information or summarily;”.

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<sup>(a)</sup> S.I. 1972/1720, as amended by S.I. 1980/399, 1982/1835.

3. In section 143 of the Magistrates' Courts Act 1980—
- (a) in subsection (2), paragraphs (a), (aa), (c) to (f), (i), (j) and (l) to (n) shall be omitted;
  - (b) in subsection (5), after the words "any enactment" there shall be inserted the words "extending to the Isle of Man" and after the words "any Act" and "same Session" there shall be inserted the words "of Parliament"; and
  - (c) there shall be added at the end the following subsection:—  
“(7) In this section, “offence triable either way” has the same meaning as in section 32 above.”.
- 4.—(1) The following provisions of this paragraph shall have effect for the purpose of modifying provisions of the Criminal Justice Act 1982.
- (2) In section 35—
- (a) in subsection (1), the words "Subject to subsection (3) below," shall be omitted, and for the words "an Act" there shall be substituted the words "a provision contained in an Act of Parliament and extending to the Isle of Man";
  - (b) in subsection (2), after the words "came into force" there shall be inserted the words "in the Isle of Man"; and
  - (c) subsection (3) shall be omitted.
- (3) In section 36—
- (a) in subsection (1), for the words "an Act" there shall be substituted the words "a provision contained in an Act of Parliament and extending to the Isle of Man"; and
  - (b) in subsection (2), for the word "Act" there shall be substituted the word "provision", and after the words "came into force" there shall be inserted the words "in the Isle of Man".
- (4) In section 37(3), for all the words from the beginning to "after this Act)" there shall be substituted the words "Where any enactment contained in an Act of Parliament and extending to the Isle of Man (whether that Act was passed before or after this Act)".
- (5) In section 38—
- (a) in subsection (1), for the words "contained in an Act" there shall be substituted the words "extending to the Isle of Man and contained in an Act of Parliament"; and
  - (b) in subsection (1)(b), the words "30 or" shall be omitted.
- (6) Section 39(1)(b) and (3) shall be omitted.
- (7) In section 40—
- (a) in subsection (1), for the words "contained in an Act" there shall be substituted the words "extending to the Isle of Man and contained in an Act of Parliament";
  - (b) in subsection (5), the words "Subject to subsection (6) below" shall be omitted; and
  - (c) subsection (6) shall be omitted.

- (8) In section 46—
- (a) in subsection (4), after the word “means” there shall be inserted the words “an enactment contained in an Act of Parliament and extending to the Isle of Man, being”;
  - (b) in subsection (4)(a), the word “except” and sub-paragraphs (i) and (ii) shall be omitted; and
  - (c) in subsection (4)(d), after the word “Session” there shall be inserted the words “of Parliament”.
- (9) In section 47(2), there shall be added at the end the words “in the Isle of Man”.
- (10) In section 50—
- (a) subsection (1)(b) shall be omitted; and
  - (b) in subsection (2), there shall be added at the end the words “in the Isle of Man”.
- (11) In section 74(1), for the words “(whether contained in an Act” there shall be substituted the words “extending to the Isle of Man and contained in an Act of Parliament (whether” and the words “in England and Wales” shall be omitted.
- (12) In section 75—
- (a) for the words “(whether contained in an Act” there shall be substituted the words “extending to the Isle of Man and contained in an Act of Parliament (whether”;
  - (b) the words “in relation to England and Wales” and paragraph (b) shall be omitted.

## SCHEDULE 2

## Article 3

## VARIATIONS TO THE IMMIGRATION (ISLE OF MAN) ORDER 1972

For paragraph 28 of the Schedule there shall be substituted the following paragraph:—

“28. In Schedule 3 (as amended by Schedule 10 to the Criminal Justice Act 1982)—

- (a) paragraph 2(2) shall be omitted;
- (b) in paragraphs 2(3), (4) and (6), references to paragraph 2(2) shall be omitted;
- (c) paragraph 3 shall be omitted;
- (d) for paragraph 6 there shall be substituted the following paragraph:—

“6.—(1) In this Schedule “the appropriate court” means—

- (a) where the court which directed release was a court of summary jurisdiction, a court of summary jurisdiction;
- (b) where the court which directed release was the Court of General Gaol Delivery, that Court;
- (c) where the court which directed release was the Staff of Government Division on appeal from the Court of General Gaol Delivery, that Division or that Court;
- (d) where the court which directed release was the Staff of Government Division on appeal from a court of summary jurisdiction, that Division or a court of summary jurisdiction.

(2) In this paragraph “the Staff of Government Division” means the Staff of Government Division of Her Majesty’s High Court of Justice of the Isle of Man.”;

- (e) in paragraph 7(1), the words “the relevant part of” shall be omitted;
- (f) paragraph 7(2) shall be omitted;
- (g) in paragraph 8(1), for the words “England or Wales or Northern Ireland” there shall be substituted the words “the Isle of Man”, and the words “for the petty sessions area or district in which he was arrested” shall be omitted;
- (h) paragraph 9 shall be omitted; and
- (i) in paragraph 10, the words “or court” and “or 9” shall be omitted.”.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order extends to the Isle of Man those provisions of the Criminal Law Act 1977, the Magistrates' Courts Act 1980 and the Criminal Justice Act 1982 which are specified in Article 2 to the Order, subject to the modifications specified in Schedule 1 to the Order. The provisions extended relate principally to criminal penalties. They also amend Schedule 3 to the Immigration Act 1971; accordingly, the Order (Article 3 and Schedule 2) makes consequential variations to the Immigration (Isle of Man) Order 1972, by which provisions of the 1971 Act were extended to the Isle of Man, so as to modify Schedule 3 to the 1971 Act (as amended by the 1982 Act and extended to the Isle of Man).

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